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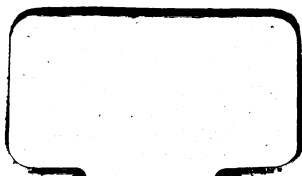
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L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
THIRTY-FIFTH SESSION
OF THE
LEGISLATURE,

Begun and held at the City of Albany,
THE TWENTY-EIGHTH DAY OF JANUARY, 1812.
Rescued & continued



ALBANY:
PRINTED FOR S. SOUTHWICK,
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.....
1812.

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YRABEL BROTHAIZ

L A W S

OF THE

STATE OF NEW-YORK,

Passed at the Thirty-fifth Session of the Legislature,

BEGUN AND HELD AT THE CITY OF ALBANY,

THE TWENTY-EIGHTH DAY OF JANUARY, 1812.

CHAP. I.

An ACT for the appointment of a Treasurer.

Passed February 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That David Thomas, of the county of Washington, be and he hereby is constituted and appointed Treasurer of this state, to continue in office until the eighth day of February, which will be in the year of our Lord one thousand eight hundred and thirteen.

CHAP. II.

An ACT to amend an act, entitled "*an act to divide the town of Tully, in the county of Onondaga, passed April 8th, 1811.*"

Passed February 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the first section of said act, that provides that a division of said town of Tully shall take place from and after the first Tuesday in April next, shall be and is hereby amended, so as that all the powers and privileges granted to said towns of Tully and Spafford by said act, shall take effect and be in full force from and after the first Tuesday in March next, any law to the contrary notwithstanding.

CHAP. III.

An ACT amending and further extending the benefits of the act relative to Mortgages executed to the people of this state.

Passed February 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That

the Comptroller of this state is hereby authorised and required, in opening accounts in his office in pursuance of the act, entitled "an act extending the benefits of the act, entitled "an act relative to mortgages executed to the people of this state," against any person owning a part or subdivision of any lot of land purchased from this state, for the proportionate part of the consideration due to the state on any such part or subdivision, (whether the same be due on bond or mortgage, or both) to give credit to such person for all such sum or sums of money, as shall appear by satisfactory proof to have been intended to have been paid on any such part or subdivision, whether so specified in his receipt or not ; and further, that when any person shall apply in pursuance of the provisions of said act, or of the act thereby extended, to pay off and obtain a discharge of any part or subdivision of a lot, the said Comptroller shall in like manner allow credits for such receipts as may have been intended to have been paid on such part or subdivision: *Provided however*, That in all cases the person obtaining such credits as aforesaid, and a certificate from the Comptroller, stating the amount remaining due (when any) on any such part or subdivision, shall thereupon deliver up his receipts, in order that they may be filed in the Comptroller's office.: *And provided also*, That the provisions of this act shall be construed to extend only to the benefit of such persons as shall apply to have accounts opened in pursuance of said first recited act, for their respective parts of lots, and to the benefit of such as may already have paid the proportion due on their respective parts or subdivisions of lots: *Provided however*, That all applications under this act shall be subject to the provision in the act hereby amended.

CHAP. IV.

An ACT for dividing the town of Junius, in the county of Seneca.

Passed February 14, 1812.

I. **B**.F. it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of

the town of Junius, lying north of the division line of the townships of Junius and Galen, shall be and is hereby erected into a separate town by the name of Galen, and the first town meeting in the said town of Galen, shall be held at the dwelling-house of Jonathan Melvin ; and that all the remaining part of the said town of Junius shall be and remain a separate town by the name of Junius.

II. *And be it further enacted*, That as soon as may be after the first town meeting shall be held, the supervisors and overseers of the poor of the said towns of Junius and Galen, on notice first being given for that purpose, shall meet together and divide the money and poor belonging to the town of Junius, previous to the division thereof, agreeably to the last tax list, and that each of the said towns thereafter shall respectively maintain their own poor.

CHAP. V.

An ACT *altering the time of holding the Circuit Courts in the counties therein mentioned.*

Passed February 14, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That instead of the times appointed by the supreme court of judicature for holding the circuit courts in the present year in the several counties herein after mentioned, the same shall be held at the times following to wit : In the county of Niagara, on Tuesday the second day of June ; in the county of Genesee, on Friday thereafter ; in the county of Ontario, on the second Monday in June ; in the county of Seneca, on the third Tuesday in June ; in the county of Cayuga, on the fourth Monday in June ; in the county of Onondaga, on the fifth Monday in June, and in the county of Madison, at the court-house in the village of Cazenovia, on the sixth day of July.

CHAP. VI.

An ACT *to render the Provoost of Columbia College, in the city of New-York, eligible to be a Trustee thereof.*

Passed February 14, 1812.

WHEREAS the trustees of Columbia College have, by their petition, prayed that the Provoost of the said college may be made eligible as a Trustee of said College :

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the provoost of Columbia College, in the city of New-York, for the time being, to be elected and act as a trustee of the said college, any thing contained in the act, entitled "an act relative to Columbia College in the city of New York," or in any other act or charter of the said college to the contrary notwithstanding.

CHAP. VII.

An ACT *for the relief of the settlers on the Cayuga Reservation, and for other purposes.*

Passed February 14, 1812.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the present occupants of the lots in the late Cayuga reservation, which have heretofore reverted, or shall hereafter revert to the state, shall be entitled to the pre-emption right to the land which they respectively possess: *Provided, That they shall respectively pay to the Treasurer one-eighth of the appraised value thereof, with interest thereon from the time the appraisement of such lot may have been filed in the Secretary's office, and the expenses which have accrued on the foreclosure of the original mortgages, and execute a bond and mortgage for the residue of the said appraised value, payable in six equal annual payments, with interest at the rate of six per cent per annum, on or before the first day of January next, in cases in which the appraisements thereof have already been filed in the office of the Secretary of this state; and in cases in which the value has not been appraised, shall*

make the like payment, and in like manner execute a bond and mortgage within six months after such appraisements shall be filed in the said office : *And provided further*, That in cases in which the occupant or occupants shall hold as tenant or tenants, or in any other way by contract for the benefit of some other person, that the landlord, or him for whose benefit he or they shall hold, shall be considered the person entitled to the benefit of this act : *And provided further*, That unless the said occupants shall comply with the terms aforesaid within the times above limited, they shall forfeit all claims to be compensated for their improvements on the sale of the said lots respectively.

II. *And be it further enacted*, That in every case of a sale by the Attorney-General, by virtue of any mortgage given for money belonging to the school fund, it shall be lawful for him, upon payment of interest in arrear, with the costs of such sale, and one-eighth part of the principal of such mortgages, to take from the purchaser a bond for the residue of the mortgage money to the people of this state, payable in six equal yearly instalments, with lawful interest : *Provided always*, That the title to the lands to be mortgaged shall be clear, and the lands, exclusive of the buildings thereon, shall be worth double the principal of such mortgage.

III. *And be it further enacted*, That it shall be the duty of the Attorney-General to specify the terms aforesaid in the advertisement of every such sale.

CHAP VIII.

An ACT to repeal the act, entitled "an act for the benefit of Insolvent Debtors and their Creditors."

Passed February 14, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act, entitled "an act for the benefit of insolvent debtors and their creditors," passed April 3d, 1811, also the amendment to the same, passed April 9, 1811, be and the same are hereby repealed : *Provided always*, That such repeal shall not take effect with respect to any person who has heretofore applied for the benefit

of the said act, and has obtained an order for giving notice of his application in the mode prescribed by the said act.

CHAP. IX.

An ACT concerning the Columbia Manufacturing Society.

Passed February 21, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds: beginning on the north side of major Abraham's creek, in the town of Kinderhook, at the hollow above the Little Falls, thence extending down the said creek to a small run of water, thence following the east side of the said run of water, north three degrees, east fifteen chains; thence east twenty-six chains; thence south fifteen chains, to the place of beginning, shall hereafter be known and distinguished by the name of Columbia-ville, and that the trustees of the Columbia manufacturing society for the time being, shall, for all the purposes herein after mentioned, be the trustees of the said village.

The bounds
of the village
of Columbia-
ville.

II. *And be it further enacted*, That the said trustees shall have all the powers relating to fire-engines and firemen within their said bounds, which are given by the act, entitled "an act for the better extinguishing of fires in the town of Kingston, in the county of Ulster, passed 24th of March, 1797," and that the fire-company or companies formed by them, shall have the same privileges that are given to the several firemen in towns and villages in this state; and that a certificate of the trustees, under the seal of the incorporation, shall be evidence of the appointment of firemen in all cases; and shall also have and enjoy full power and absolute authority to make, lay out, alter, amend or abolish, all and any street or public highways now existing, or which may hereafter exist.

Powers of
the trustees
relative to
extinguish-
ing fires.

III. *And be it further enacted*, That the said trustees shall be entitled to direct the distribution of all assessments for repairs of highways, under the laws for that purpose provided, within the bounds aforesaid, and

Relative to
repairing
highways.

may from time to time appoint an agent to receive from the overseers of highways for the town of Kinderhook, a copy of such assessment, and direct the time and place of performing the labor within the said bounds, which agent, so appointed, shall be deemed to have all the powers of an overseer of the highways within the said village.

IV. *And be it further enacted*, That all articles of machinery, materials for manufacturing, or manufactured articles, belonging to the said company, shall be free from any seizure by execution or distress for any debts or claims for rents or services, except such execution or claim be against the said company in whose hands soever the same may be.

Machinery,
&c. free from
seizure by
execution.

CHAP. X.

An ACT to amend the act, entitled "*an to incorporate the Mohawk Turnpike and Bridge Company,*" and the different acts amending the same.

Passed February 21, 1812.

WHEREAS the president and directors of the Mohawk turnpike company have, by their petition, represented that the Mohawk turnpike and bridges thereon, are greatly out of repair, and that the toll houses on said road have not yet been erected, and that the annual income of said road is not sufficient to defray the expense of the complete reparation thereof, together with the erecting of said toll houses: also, that the company, as well as the public in general, suffer great inconvenience from the running of large wag-gons, carrying great weight, with narrow tire, whereby the road is much injured: also, that the present distance of ten miles exactly, at which the company are compelled to place their gates, is very inconvenient and in some cases impracticable: Therefore,

Preamble

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of said company to procure, on loan, such sum or sums of money as they may deem necessary for repairing said turnpike road, rebuilding or repairing the bridges there-

The presi-
dent and di-
rectors may
procure on
loan certain
sums to re-
pair the road
and bridges.

on, and erecting the necessary toll houses and gates; and further, that it shall and may be lawful for said president and directors to pledge the annual proceeds or income of said road, either by conditional transfer, or otherwise as they shall deem expedient, to reimburse such person or bodies corporate as may advance the sum or sums of money required, together with the lawful interest thereon, or to secure the person or persons, on whose individual responsibility any sum or sums of money may be obtained for the benefit of said company, and to be expended for the purposes aforesaid, by the said president and directors, or their authorised agent or agents.

Rates of toll altered.

II. *And be it further enacted*, That the said president and directors, instead of the rates of toll formerly demanded in like cases, shall and may receive at each of their gates the following rates of toll: For each waggon drawn by four horses or oxen, seventy-five cents; for each waggon drawn by five horses or oxen, eighty-seven and an half cents; and for each waggon drawn by six horses or oxen, one dollar, and one-fifth of said rate of toll if the tire of the said waggons shall be six inches broad or upwards; and further, that any person or persons who shall take off from said waggons any horse or horses, ox or oxen, when they arrive near any gate on said turnpike; or shall take round said gate any carriage or carriages, or horse or horses, ox or oxen, in order to defraud said company, shall forfeit to said company for each offence five dollars, to be sued for and recovered by action of debt, in the name of the treasurer of said company: *Provided*, That persons moving with their families and household furniture shall not be subject to the above regulations.

Proviso.

Gates & toll houses may be placed at the most convenient distances.

Proviso.

Further proviso.

III. *And be it further enacted*, That it shall and may be lawful for the president and directors of the aforesaid company, to place their toll gates and toll houses at such distances as they may find most convenient: *Provided*, none of said gates are less than eight miles from each other, except two half-toll gates: *And provided*, they have no more than seven whole and two half-toll gates, on the whole road from Schenectady to Utica: *And provided further*, That no gate shall be

placed nearer to the city of Schenectady than five miles from the Mohawk bridge at Schenectady, nor nearer the village of Utica than four and an half miles thereof, nor nearer the village of Herkimer, on the east thereof, than two miles: *And provided further*, That no toll shall be exacted from the inhabitants of the city of Schenectady, at the gate nearest said city, when going for, or coming with hay or wood, for the use of said city; nor any toll from the inhabitants of the fourth ward of said city when passing the said last mentioned gate on any occasion.

CHAP. XI.

An ACT authorising James Le Ray De Chaumont to make two Turnpike Roads in the County of Jefferson.

Passed February 21, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly,

That it shall and may be lawful for James Le Ray De Chaumont, his heirs, executors, administrators and assigns, and he and they are hereby authorised to make a turnpike road, from a point on Black river, opposite to the village of Watertown, in the county of Jefferson, passing near the village of Le Raysville; thence to or near the point where the St. Lawrence turnpike road crosses Indian river in said county: And also one other turnpike road, to commence at the village of Chaumont, in the town of Brownville, thence unto the village of Cape Vincent, on the river St. Lawrence; the first of said turnpike roads to be called "the Le Raysville turnpike road," and the other "the Cape Vincent turnpike road."

James Le Ray De Chaumont authorised to make the Le Raysville and Cape Vincent turnpike roads.

II. *And be it further enacted*, That Elisha Camp, Musgrove Evans and Robert McDoual, or any two of them, be and hereby are appointed commissioners to designate the said points of beginning on the said two roads, and to survey and lay out the said roads according to the best of their judgment and understanding, without favor or partiality, in such manner that the object of the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, and the general interest of the public shall be in the best manner ef-

Commissioners to lay out the same.

fectured, accurate maps of which surveys shall be deposited and filed by the said commissioners in the office of the clerk of the said county of Jefferson.

Lands may
be entered
on for mak-
ing the roads

Proviso rela-
tive to da-
mages.

III. *And be it further enacted*, That it shall be lawful for the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, after the routs of the said roads shall have been designated as aforesaid, to enter on and take possession of such quantity of land, not exceeding six rods wide, as shall be necessary for making the said roads, or either of them : *Provided always*, That he and they shall be liable to pay to the owners of the said land, such value and damages, (if compensation for the same be demanded within eighteen months after the routs of the said roads shall be so designated,) as shall be assessed by two justices of the peace, and by the oaths of twelve freeholders, to be summoned on the warrant of the said justices, by any constable of the town where such lands shall be situate. And the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, shall cause the said roads to be cut out and cleared of trees and timber, not less than four rods wide, twenty feet of which, (excepting so much of the first mentioned road as runs through the pine plains, which it shall not be necessary to arch,) shall be levelled and faced with earth, rising in the middle by a gradual arch, so as to form an even surface, and the stumps grubbed out ; and where the ground shall be so soft as to require it, the same shall be bedded with stone, gravel, sound wood or other hard substance, so as to secure a firm and solid foundation.

The Govern-
ment to ap-
point three
persons to
examine the
roads when
finished.

IV. *And be it further enacted*, That as soon as the said roads, or any ten miles of either of them, shall be completed, the person administering the government of this state for the time being, on receiving notice thereof, shall forthwith nominate and appoint three discreet freeholders to view and examine the same, and shall, on their report that the said roads, or either of them, or any ten miles of either of them, are made conformable to the directions and provisions prescribed in and by the act, entitled "an act relative to turnpike companies," passed 13th March, 1807, except in so far

as is otherwise herein provided and enacted ; authorise the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, to erect a gate or turnpike on the said roads, on each and every ten miles so completed ; and he and they shall then be authorised to appoint toll gatherers, to collect and receive of and from all and every person and persons using the said roads, or either of them, at each and every of the said gates so to be erected, the several tolls and duties following : that is to say—For every cart or waggon drawn by one horse, mule or ox, six cents ; for every cart or waggon drawn by two horses, mules or oxen, twelve and an half cents ; and for every additional horse, mule or ox, the further sum of three cents : for every stage-waggon, chariot, coach, coachee, phaeton, curricule or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse six cents ; for every chair, chaise or sulkey, with one horse, twelve and an half cents, and for every additional horse six cents ; for every horse rode four cents ; for every horse led or driven three cents ; for every sleigh or sled, drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule, three cents ; for every sleigh or sled, drawn by one horse, ox or mule, four cents ; for every score of cattle, horses or mules, twenty cents ; for every score of hogs or sheep, eight cents ; and if there shall be a section of road less than ten miles and exceeding four, it shall be lawful for the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, to erect a gate or turnpike thereon, and to ask, demand, have and receive, a rateable proportion of toll for the length of such section, compared with the distance of ten miles ; and if such section be less than four miles, he or they may add to the toll hereby granted a rateable proportion according to the length of such section, compared with the said distance of ten miles : *Provided*, That nothing in this act contained shall be construed to entitle the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, to demand or receive toll at any gate on either of the aforesaid turnpike roads of or from any person passing to or from public worship or a funeral ; to or from a

Toll gatherers may be appointed.

Rates of toll.

Provided.

grist-mill, for the grinding of grain for his family's use ; or to or from a blacksmith's shop, to which he usually resorts ; or from any person residing within one mile of any such gate ; or from any person or persons who are entitled to vote, when going to or returning from any town meeting or election, for the purpose of giving a vote ; or from any person going for a physician or midwife, or returning ; or from a juror or witness, going to or returning from court, having been legally summoned or subpoenaed ; or from any troops in the service of this state or of the United States ; or from any person going to or returning from any training, where by the laws of this state they are required to attend ; *And provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or carriage passing upon the said roads, or upon either of them, the tire or track of the wheel whereof is six inches wide, nor more than one-fourth of the above toll from those of nine inches wide ; and all carriages, the tire or track of the wheel whereof is twelve inches wide, shall pass the said roads free, without paying any toll whatever ; and that the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, shall cause to be affixed and kept up at or over each gate, in some conspicuous place, where it may conveniently be read, a printed list of the rates of toll which may be lawfully demanded.

Further provision.

Commissioners allowed 3
dolls. per day

V. *And be it further enacted*, That the commissioners who may be employed under this act, shall be entitled to receive from the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, the sum of three dollars for every day they shall be so employed.

VI. *And be it further enacted*, That the said James Le Ray De Chaumont, his heirs, executors, administrators and assigns, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act, except in so far as is otherwise herein provided and enacted.

CHAP. XII.

An ACT *authorising certain persons to sell the Public Lot of the Town of Genoa.*

Passed February 21, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Henry Bloom, Richard Townley, Charles H. Morrell, John Brown, junior, and Jabez Bradley, of the town of Genoa, in the county of Cayuga, or a majority of them, or such other persons as shall be appointed by the freeholders and inhabitants of the said town of Genoa, in legal town meeting assembled, be and they are hereby authorised to sell and dispose of lot number twenty-four, in said town, heretofore appropriated to the support of the gospel and schools, for the best price that can be obtained for the same; and to loan the monies arising therefrom, on real security, the interest of which shall annually hereafter be applied to the use and benefit of common schools in said town.

II. *And be it further enacted,* That it shall and may be lawful for the persons who shall sell the said lot of land, and they are hereby authorised, to appropriate in manner aforesaid, any monies which may have accrued or shall arise from the rent of the said lot of land.

CHAP. XIII.

An ACT *to amend an act, entitled "an act to authorise the building of a Toll-Bridge over the Mohawk river, passed April 9th, 1811."*

Passed February 28, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Henry Fonda, Victor C. Putman and John Fonda, who are appointed commissioners in and by the act hereby amended, to open books and to receive subscriptions for the purpose of erecting a bridge over the Mohawk river, be and they are hereby authorised and empowered, as soon as may be after the passing of this act, to open books and receive subscriptions, in the same manner and for the purposes mentioned in the second section of the act hereby amended; and as soon as five

hundred shares shall be subscribed, the said commissioners shall give public notice of the same, in the manner and for the purposes mentioned in the said recited act, any thing in said act to the contrary notwithstanding.

CHAP. XIV.

An ACT *for the relief of Samuel S. Baldwin and others.*

Passed February 28, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That in case Samuel S. Baldwin, Nathaniel Baker, Ebenezer Carr and John Bowers, the bail of Thomas H. Rawson, late superintendent of the Onondaga salt springs, shall, on or before the first day of May next, respectively seal and deliver to the people of this state, bonds and mortgages, to be approved of and accepted by the Comptroller, for securing the payment of six hundred and twenty-five dollars, each in three equal annual payments, with interest at the rate of six per centum per annum ; and shall also pay all costs, charges and expenses, which have been incurred by the people of this state, in or about any prosecution which has been instituted against the said bail ; it shall be the duty of the Attorney-General to stay all further proceedings upon any judgment and execution which has been obtained against the said bail, in favor of the people of this state : *Provided always,* That it shall be lawful for the Attorney-General to proceed against the said Thomas H. Rawson, upon his bonds as superintendent as aforesaid, in the same manner as if this act had not passed.

CHAP. XV.

An ACT *for the relief of Truman Down and others.*

Passed February 28, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the Comptroller of this state to release and cancel the mortgage executed by Gideon Allen, junior, to the people of this state, on lot number one hundred and twenty-nine, in the late Cayuga

reservation, on the east side of the Cayuga lake : *Provided*, That the occupant or occupants of said lot shall, within one month, pay into the treasury of this state the present value of said lot, estimating the same at six dollars and fifty cents per acre, together with all costs and charges made on said mortgage, after deducting thereout such sum and sums as have been heretofore paid upon such mortgage.

II. *And be it further enacted*, That it shall be lawful for the Comptroller, and he is hereby directed, in settling the balance due this state, on the mortgage executed by Alvin Wolcott, on lot number thirteen, in the Cayuga reservation, on the east side of the lake, to allow him, or his heirs or assigns, the same remission of interest on said mortgage, as has been heretofore allowed to other settlers and purchasers on said reservation, agreeable to the provisions of the fourth section of the act, entitled "an act to amend an act, entitled "an act for the relief of the purchasers of land in the Cayuga, Oneida and Onondaga reservations," passed the 6th April, 1808 : *Provided*, That said Alvin Wolcott, or his heirs or legal representatives, shall produce satisfactory proof to the Comptroller, that there was an actual improvement made on said lot to the amount of fifty dollars, previous to the eleventh day of April, in the year of our Lord one thousand eight hundred and four.

CHAP. XVI.

An ACT *for the relief of the legal representatives of Daniel Thew, deceased.*

Passed February 28, 1812.

WHEREAS Elijah Hunter and Caleb S. Riggs, guardians of the persons and estates of Mary Burnet Thew, Rachel Caroline Augusta Thew and Abraham Staats Thew, infant children of Daniel Thew, late of the town of Clarkstown, in the county of Rockland, have by their petition to the Legislature, set forth, among other things, that the said Daniel Thew, in or about the month of October last past, departed this life intestate, leaving the above named infants, his only chil-

Preamble.

dren and heirs at law, him surviving ; that the personal estate of the said intestate, after the payment of his debts, will be insufficient for the maintenance and education of the said infants until they shall respectively arrive at lawful age : But that the said intestate died seised in fee of a farm, situate in the said town of Clarkstown, in the said county of Rockland, consisting of four hundred acres of land or upwards, which thereupon descended from him upon his said three infant children, as tenants in common, subject however to the right of dower of Rachel Thew, the mother of the said Daniel Thew, in the greater part of the same : that the said Elijah Hunter and Caleb S. Riggs have, since the death of the said Daniel Thew, been duly appointed by the court of chancery of this state, guardians of the persons and estates of the said infants during their respective minorities, and have given the security required of them as such guardians ; and that they the said guardians, from all the circumstances and considerations connected with the said farm, and the situation of the said infants, are fully confident that if the said farm should be sold, and the purchase money arising therefrom set apart and secured in the manner, and for the purposes hereafter mentioned, the interest of all the parties, and the permanent advantage of the said infants, would be materially promoted and secured ; and the said Elijah Hunter and Caleb S. Riggs therefore prayed that an act might be passed authorising the sale of the said farm, under the directions of the Chancellor of this state, in such manner and proportions as he might see fit to order and direct, and giving to the court of chancery full power to direct the investment and security of the purchase money, and the application of the same, or the interest thereof, so as to secure the said Rachel Thew, the dowress, her rights in the same, and to the said infants respectively their rights therein, according to equity and good conscience : Therefore,

On the application of the guardians of the heirs of D. Thew, the court of chancery may order a sale of this estate.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the court of chancery of this state, on the application of the said Elijah Hunter and Caleb S. Riggs, the guardians of the persons and estates of

the said Mary Burnet Thew, Rachel Caroline Augusta Thew and Abraham Staats Thew, the said infant children of Daniel Thew, late of the town of Clarks-town, in the county of Rockland, deceased, or of the survivor of them, (or upon the application of any future guardians or guardian of the said infants, regularly appointed,) by petition or otherwise, as the said court may direct or approve, to make any order or decree authorising such guardians or guardian to sell, grant and convey, in fee simple, the real estate whereof the said Daniel Thew died seized in this state, or any part or parts, or portion or portions thereof, in such manner, and upon such terms of credit, in respect to the whole or any part of the purchase money, as the said court shall think proper; and in case of a sale or sales on credit, to direct what security shall be taken for the same, and in whose name the same shall be taken.

II. *And be it further enacted*, That the said court of chancery may, previous to any order or decree for the sale and conveyance of the said real estate, or any part thereof, cause any inquiry and report which shall be thought proper, to be made by a master of the said court, or other officer, to the end that such orders may be made in the premises as to the said court shall thereupon appear to be just.

Previous to the sale the court may cause an inquiry to be made by a master thereof.

III. *And be it further enacted*, That upon any sale of that part of the said real estate wherein the said Rachel Thew, the mother of the said Daniel Thew, shall have an existing right of dower, the court of chancery shall cause one third part which shall remain clear of the purchase money arising from such sale, to be put out at interest, and secured or invested in such manner as that the said Rachel Thew may receive the interest or income thereof for and during her natural life, in lieu and satisfaction of her said right of dower; and that the principal money may be and remain for the use of the said infants, or their legal representatives, from and after the decease of the said Rachel Thew: and further, that if any doubt shall exist, or question arise as to the right of dower of the said Rachel Thew in any part of the said real estate which may be sold as aforesaid, it shall be lawful for the said court of chancery to inquire

Rachel Thew to have a right of dower.

into, ascertain and decide upon the same, in such manner, and by such means as to the said court shall seem expedient and proper, and that such decision shall be binding upon all parties.

Costs to be paid out of the proceeds of the estate.

IV. *And be it further enacted*, That it shall be lawful for the said court of chancery to order the payment of all necessary costs and expenses which may accrue in carrying the provisions of this act into effect, out of the proceeds of the said real estate or any part thereof.

Sales how confirmed.

V. *And be it further enacted*, That any sale or sales, and conveyance and conveyances of the said real estate, or any part thereof, which shall be made under and in pursuance of this act, and of any order or decree of the said court of chancery, by virtue thereof, shall vest in the purchaser and grantee of such real estate, all the estate, right, title and interest, of the said infants respectively, and of their respective guardians in and to the same, and every part thereof, freed and discharged from the right of dower of the said Rachel Thew therein : *Provided*, That the dower of the said Rachel Thew shall not be affected by any such sale, unless her consent thereto shall have been first had and obtained.

CHAP. XVII.

An ACT *further to continue the act, entitled "an act relative to the office and duties of the Comptroller of this State, and for other purposes."*

Passed February 28, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act, entitled "an act relative to the office and duties of the Comptroller of this state," passed the eighteenth day of April, one thousand eight hundred and one, shall be and hereby is revived and continued in force without limitation of time.

CHAP. XVIII.

An ACT *authorising the Comptroller to loan Money to Robert McQueen.*

Passed February 28, 1812.

WHEREAS Robert McQueen, of the city of New-York, heretofore erected a very exten-

sive and useful Iron Foundry and Machine Manufactory, which has been lately destroyed by fire : And whereas it is of the greatest importance to the public that the same should be rebuilt and put into complete operation : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the Comptroller to loan to the said Robert McQueen, a sum not exceeding ten thousand dollars, out of any money in the treasury belonging to the common school fund : *Provided,* the said Robert McQueen shall give to the said Comptroller, for the use of the people of this state, satisfactory security for the repayment of such sum as shall be loaned, in manner following : the one-third part thereof at the expiration of six years from the passing of this act, with the interest annually, at the rate of six per cent. ; one-third of the said sum in one year thereafter, and the residue in one year thereafter, with interest in manner aforesaid.

CHAP. XIX.

An ACT *for the relief of Peter R. Kissam.*

Passed February 28, 1812.

WHEREAS Peter R. Kissam, an infant under the age of twenty-one years, by Thomas McAuly his guardian, by his petition to the Legislature, has represented, that he is seized in his own right of real estate in the county of Saratoga and elsewhere, within this state, and the whole personal property of him, the said Peter, and the annual interest of his said real estate, is insufficient for the maintenance and education of the said Peter.

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said infant, Peter R. Kissam, to present a petition, by his guardian, to the court of chancery of this state, praying that a sale of the right, title, interest and estate, of him, the said Peter R. Kissam, of, in and to, two hundred and fifty acres of land of the said Peter R. Kissam, situate in the county of Saratoga, may be made ; and if upon consideration it shall appear to the said court that such sale will be be-

neficial to the said Peter R. Kissam, then and in that case, it shall and may be lawful for said court to order and direct such sale to be made by a master of said court, who is hereby authorised to convey the right, title and interest, of the said Peter R. Kissam of, in and to, the same lands, in due form of law, to the purchaser or purchasers thereof, his and their heirs and assigns forever.

II. *And be it further enacted*, That the monies arising from such sale of the said lands of the said Peter R. Kissam shall be brought into the said court of chancery, or otherwise disposed of, in such manner as the said court shall deem most beneficial for the interest of the said Peter R. Kissam.

CHAP. XX.

An ACT to provide for the election of an additional number of Trustees in the Free School Society of New-York, and for other purposes.

Passed February 28, 1812.

IN compliance with the request of the trustees of the Free School Society of New-York,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the members of the free school society of New-York to elect forever hereafter, at every annual election of trustees, six trustees in addition to those heretofore authorised by law.

II. *And be it further enacted*, That each of the commissioners appointed in virtue of the fifty-fourth section of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed 9th April, 1811, shall be allowed the same compensation for attendance and travelling as was allowed to each of the members of the Legislature at the last session; and also for such needful expenses as may have been incurred for clerk hire, printing, stationary and postage, in relation to the execution of the business assigned to them; which said compensation and expenses shall be paid by the Treasurer of this state, on the certificate of the person administering the government.

CHAP. XXI.

An ACT *for the relief of the Loan Officers of the County of Montgomery.*

Passed March 6, 1812.

WHEREAS it is represented to the Legislature that the loan officers of the county of Montgomery did, in the year one thousand seven hundred and eighty-six, loan to Garrit Staats the sum of two hundred dollars, in pursuance of the power vested in them by law; and that subsequently it was discovered that the said Staats had no title to the lands mortgaged by him to secure the payment of the said money, with the interest thereof: And whereas, on account of the insolvency of the said Staats, no satisfaction has been had on a judgment obtained by the said loan officers against the said Staats for the said money: And whereas it is represented that the friends of the said Staats are willing to pay the said principal and interest, provided the said mortgage can be cancelled: And whereas the said interest is in arrear since the year one thousand seven hundred and ninety, and by the mode of keeping the Treasurer's account, compound interest has accrued on the said two hundred dollars.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That on payment of the said two hundred dollars, with the interest due thereon from the third Tuesday in June, in the year one thousand seven hundred and ninety, it shall be lawful for the said loan officers to cancel the said mortgage; and further, that the Treasurer of this state credit to the account of the said loan officers, besides the said principal and interest, such sum as will countervail the compound interest accrued on the said two hundred dollars from the said third Tuesday in June, one thousand seven hundred and ninety.

CHAP. XXII.

An ACT *to incorporate the Eastchester Bridge Company.*

Passed March 6, 1812.

WHEREAS Herman Le Roy and others have, Preamble. by their petition to the Legislature, prayed to

be incorporated for the purpose of erecting, by voluntary subscriptions, a bridge across Eastchester creek, and to be authorised to exact from all persons using such bridge, a toll merely adequate to the repairs thereof: Therefore,

Eastchester
bridge com-
pany incor-
porated.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Herman Le Roy, James Harvey, William Bayard, John Bartow, Richard Ward, Elbert Roosevelt, Daniel Pelton, Joshua Heustice and John Hunter, and all such other persons as shall associate for the purpose of building a bridge across the mouth of Eastchester creek, from the farm of James Harvey, in the town of Pelham, to the point of Throg's Neck, called Dormer's Island, in the county of Westchester, and shall subscribe and pay towards building the said bridge a sum not less than twenty-five dollars, their successors and assigns, shall be and hereby are created a body corporate and politic, by the name of "the president and directors of the Eastchester bridge company," and so to remain for the term of thirty years and no longer; and they are hereby constituted and declared to be a body politic and corporate, in fact and in name, and by that name they and their successors may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever; and that they and their successors may have a common seal, and may make, change and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be capable in law of purchasing, holding and conveying, any real or personal estate for the use of the said corporation: *Provided,* That the estates so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Their style
and corpo-
rate rights.

Proviso.

Capital stock

II. *And be it further enacted,* That the capital stock of the said company shall consist of so many shares of twenty-five dollars each, as shall amount to a sum sufficient for building the said bridge, and the toll house and gate thereunto belonging; and each stockholder shall be entitled to as many votes for directors of the

said company as he may hold shares of the said stock ; and the affairs of the said company shall be managed by seven directors, who shall be chosen annually from among the stockholders of the said company, by a plurality of the votes of the said stockholders, at such times and in such manner as may be prescribed by the by-laws of the said company ; and a majority of the said directors shall elect one of their number to be president, and the said president, with a majority of the said directors, shall be a quorum capable of transacting the business of the said corporation ; and shall have power to make such by-laws, rules, orders and regulations, (not inconsistent with the constitution and laws of this state or of the United States,) as shall be necessary for the well governing the affairs of the said company.

7 directors
chosen annually.

Their power.

III. *And be it further enacted,* That it shall and may be lawful for the said company to erect and build at their own expense, a good and substantial bridge across Eastchester creek, at the place before mentioned : *Provided,* That the said bridge be built at least twenty-four feet wide in the clear between the sides or railings thereof, and be well covered with planks, not less than three inches thick, and the sides of the said bridge be well secured with good and substantial railings, not less than four feet, six inches high : *And provided further,* That the said bridge be constructed with a draw, to open at least twenty feet, so as to permit vessels with standing masts conveniently to pass and repass the said bridge, which passage shall be freely passed, repassed and used, by all persons whatever, without toll or reward.

The company may build a bridge over Eastchester creek.

Proviso.]

Further proviso.

IV. *And be it further enacted,* That it shall be the duty of the said company to keep and maintain the said bridge, and the floor, sides, railings and draw thereof, in good and sufficient repair from the time the said bridge shall be completed, during the continuance of this act ; and when they have completed the said bridge, they shall at all times thereafter, as well by night as by day, provide and keep a sufficient person or persons at or near the said bridge, to open the draw thereof ; and such person or persons so attending, on sufficient no-

The bridge to be kept in repair.

A person shall attend night & day to open the draw.

tice being given to him or them by the master or owner of any vessel having necessary business or occasion to pass the said bridge, by blowing a horn or otherwise, such person or persons so attending the said bridge shall immediately open, or cause to be opened, the said draw, and shall permit every such vessel to pass through the said draw unmolested and freely as aforesaid; and when any vessel shall be unnecessarily detained from passing through the said draw for more than ten minutes, by the refusal, neglect or delay, of any person or persons so attending the said bridge, the said company shall pay to the owner or master of such vessel, so unnecessarily detained, the sum of five dollars for every ten minutes such vessel shall be so unnecessarily detained beyond ten minutes before mentioned, which sum or sums shall be paid upon demand, to be made of the president of the said company; and the owner or master of any vessel at whose request the said draw shall be opened, shall use all due diligence and expedition in passing such vessel through the said draw, and shall pay to the said company five dollars for every ten minutes of unnecessary delay in passing such vessel through the said draw, after the said draw shall have been opened to permit her to pass through it; which sum or sums shall be paid upon demand to be made of the master or owner of such vessel, by an authorised officer or agent of the said company.

The company shall pay a fine of five dollars for every 10 minutes neglect to open the draw.

Masters and owners of vessels to pass with due diligence.

For every 10 minutes delay to forfeit 5 dollars to the company

The judges of Westchester county to give a certificate that the bridge is sufficiently constructed.

V. *And be it further enacted*, That as soon as the said bridge shall be finished, and the judges of the court of common pleas in and for the county of Westchester, or a majority of them, shall, upon inspection, have certified under their hands that the said bridge is well and sufficiently constructed and built, and will admit the passage of loaded teams and other carriages, and is in all things conformable to the true intent and meaning of this act, it shall and may be lawful for the said company to erect a gate at or near the said bridge, and to exact and demand of all persons passing the said bridge a toll to be received and taken for the use of the said company, to enable them to keep and maintain the said bridge in repair, which toll shall not exceed the following rates, to wit: For every stage-waggon, drawn by

Rates of toll.

two or more horses or mules, twelve and an half cents; for every four wheel pleasure carriage, with two or more horses, twelve and an half cents; for every two wheel pleasure carriage or sleigh, and horses or mules, six cents; for every waggon and horses or mules, other than stage-waggon, four cents; for every man and horse or mule, two cents; for every ox-cart with oxen, four cents; for every market sleigh or sled and horses, or mules or oxen, four cents; for every cart with one horse or mule, three cents; for every ox, bull, cow, steer, mule or horse, led or driven loose over the said bridge, one cent; for every score of sheep or swine, two cents, and in that proportion for a greater or less number of them.

VI. *And be it further enacted*, That Herman Le Roy shall be president, and John Hunter, Richard Ward, John Bartow, Elbert Roosevelt, Daniel Pelton and Joshua Hustice, directors of the said company, until an election for directors of the said company shall be held according to the provisions of this act.

President
and directors

VII. *And be it further enacted*, That as soon as the said bridge shall be finished, the said company shall render to the Comptroller of this state an account of the costs thereof, and that they shall annually thereafter render him a full and just account of all monies received by them for tolls for passing the said bridge, and of all expenditures to be made by them in repairing and maintaining the said bridge, to the end that if it shall be found that the rates of toll hereby established shall be more than adequate to the repairs of the said bridge, the said rates of toll may be reduced in such manner as the Legislature may from time to time think proper and expedient.

The company shall render to the comptroller an account of the costs of the bridge

And annually thereafter render an account of monies received and expended.

VIII. *And be it further enacted*, That the proviso contained in the seventh section of the act, entitled "an act for improving the road from Eastchester to Byram," be, and the same hereby is repealed: *Provided*, That it shall not be lawful to erect the most easterly gate therein mentioned to the eastward of the dwelling-house of Thomas Theall, in Rye.

The proviso in the 7th section of a certain act repealed.

Provido.

IX. *And be it further enacted*, That it shall be lawful for the company incorporated by the last mentioned

The draw in
the bridge at
Fisher's
Landing dis-
continued.

This is a
public act.

act to discontinue the draw in the bridge across Eastchester creek, at Fisher's Landing, directed by the said act to be maintained in the said bridge.

X. *And be it further enacted*, That this act be, and the same is hereby declared to be a public act.

CHAP. XXIII.

An ACT for the relief of Abraham De Mott.

Passed March 6, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land office are hereby directed and required to issue letters patent to Abraham De Mott, for one hundred and fifty acres of land, part of lot number nine; and one hundred and ten acres of land, part of lot number fifty-five, in the township of Ovid, in the county of Seneca, belonging to the people of this state, or so much of the said land as the said commissioners of the land shall deem a reasonable compensation for one-fifth of a tract of land situate in the county of Ontario, containing one thousand acres of land granted by the state to Thomas Harding, Benjamin Hornbeck, Lawrence Kortright, David Smith and John English, the title to which was not in the state at the time of said grant, as it was included in land before ceded by this state to the state of Massachusetts: *Provided*, That the said Abraham De Mott produce to the said commissioners of the land office satisfactory evidence that he has a regular title for the one-fifth of the said one thousand acres of land, under the grant made by the state of the same to the said Thomas Harding, Benjamin Hornbeck, Lawrence Kortright, David Smith and John English: *Provided always*, That no compensation has heretofore been made for the said lands to the said Abraham De Mott, or to any person from whom he derives title.

CHAP. XXIV.

An ACT *authorising the commissioners to lay out a certain Highway in the town of Hadley.*

Passed March 6, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of highways of the town of Hadley, and they are hereby authorised to lay out a public highway, leading from the highway near the dwelling-house of Ichabod Peck, in said town, commonly called the Mountain Road, eastwardly to the Hudson river, of the width of two rods, and no more.

CHAP. XXV.

An ACT *to amend an act, entitled "an act to regulate Highways."*

Passed March 6, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That so much of the act hereby amended as declares the Canaseraga and Chitteningo creeks, south of the Seneca turnpike road, and so much of mud creek as passes through the towns of Palmyra and Lyons, from the east line of township number twelve, in the third range, to the centre line of township number twelve, in the first range, public highways, be, and the same is hereby repealed, any law to the contrary notwithstanding.

CHAP. XXVI.

An ACT *to incorporate "the Poughkeepsie Humane Society."*

Passed March 6, 1812.

WHEREAS Henry A. Livingston, George Bloom Preamble. and others, inhabitants of the town of Poughkeepsie and its vicinity, in the county of Dutchess, have associated as a society, under the name and style of "the Poughkeepsie Humane Society," for the laudable purpose of relieving the wants of those who are not immediately the subjects of legal charity; of removing, as far as may be, the causes of distress, and of making

provision for the education of poor children, and by their petition to the Legislature have prayed to be incorporated: Therefore,

*I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Henry A. Livingston, George Bloom, Cornelius C. Cuyler, Daniel H. Barnes, James Tallmadge, junior, Teunis Van Kleeck, Henry Dodge, Levi McKeen, William Plummer, Peter B. Morgan, Amaziah Wright, John E. Pells, John Cooper, Nathan Myers, David Brooks, Isaac Mitchell, Daniel Williams, Robert Forest, Samuel W. Kelly, Thomas W. Tallmadge, Jabish Bosworth, James Willson, David Carpenter, Abraham G. Storm, John L. Fonda, Samuel Mulford, John Johnston, Ezra Thompson, junior, Joseph A. Bostwick, Richard Whiley, Daniel Coolidge Thomas J. Oakley, Richard James, Philo Ruggles, Nathan Conklin, junior, John Reed, Abraham Bockee and their present associates, and all persons who shall hereafter become members of the said society, shall be and are hereby ordained, constituted and declared, to be one body corporate and politic, in fact and in name, by the style of "the Poughkeepsie Humane Society," until the first day of January, in the year of our Lord one thousand eight hundred and forty, and that by that name and style they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of "the Poughkeepsie Humane Society," shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation: *Provided*, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet and to transact*

Poughkeepsie Humane Society incorporated.

Style and duration of the society.

Its corporate powers.

Provido.

the business of the said corporation ; and to keep a free school for the education of poor children ; or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgements which shall have been obtained for such debts : *And provided also*, That the amount of the real and personal estate which the said corporation are hereby entitled to hold, shall not at any time exceed the sum of twenty-five thousand dollars.

Personal estate not to exceed \$5,000 dolls.

II. *And be it further enacted*, That the officers of the said corporation shall be a president, vice-president, treasurer, secretary and five directors, who shall be members of said society, and be elected on the third Monday of January in every year, at such time and place, in the village of Poughkeepsie, as shall be fixed on by the officers, or ascertained by the by-laws of said corporation ; that all elections of the said officers shall be by ballot, and such persons who shall have at any election the greatest number of votes as president, vice-president, treasurer, secretary or directors, shall be duly elected to the office for which he or they were severally chosen or designated by the ballots which were given at any such election : and the said officers shall hold their respective offices for one year, and until others shall be chosen in their places : *Provided*, That nothing contained in this act shall be so construed as to prevent any or either of the said officers from being re-elected ; that if any vacancies shall happen among the said officers by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as the annual elections, at such times or places as shall be fixed on by the officers, or ascertained by the by-laws of the said corporation ; that Henry A. Livingston shall be the first president of the said corporation, John Reed vice-president thereof, Abraham G. Storm treasurer thereof, Cornelius C. Cuyler secretary thereof, James Tallmadge, junior, James Willson, George Bloom, John L. Fonda and Daniel H. Barnes, the respective directors thereof, who shall hold their offices respectively

Officers of the society.

When and how elected.

Provided.

The first officers.

until the third Monday in January next, and until others shall be chosen in their places.

Election when not held on the day appointed, may be made on any other day appointed by the society.

III. *And be it further enacted*, That in case it shall at any time happen that an election for officers shall not be made on the day when, in pursuance of this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an election of officers, in such a manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Elections to be held at a place fixed by the laws of the corporation.

IV. *And be it further enacted*, That all the elections, and all meetings of the said corporation, shall be made and held at a place certain, to be fixed and determined by the by-laws of the said corporation; and that at all such elections and meetings of the said corporation, so to be held as aforesaid, thirteen members thereof, including the president, or in his absence the vice-president, or in his absence one of the directors, shall be considered a quorum of the said corporation, and shall have full power to do and transact all the business thereof.

The corporation shall have power to make by-laws.

By-laws.

V. *And be it further enacted*, That the said corporation, and their successors, shall have full power, from time to time, to make by-laws and ordinances relative to the management and disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid: *Provided*, That such by-laws and regulations be not repugnant to the constitution or the laws of the United States or of this state.

The officers shall exhibit their receipts and disbursements once in every year.

VI. *And be it further enacted*, That the board of officers shall, at least once in every year, on the third Monday in January, exhibit to the members of this corporation an exact account of all the receipts and disbursements of the preceding year.

New members how admitted.

VII. *And be it further enacted*, That all persons desiring to become members of this corporation, shall be proposed by at least two members, one meeting previous to his or their election, which shall be by ballot, and determined by two-thirds of the members present at such election; that then he or they so elected, - on

paying into the hands of the treasurer such sum as the corporation by their by-laws shall direct, *provided* the same shall not exceed the sum of ten dollars, shall have his or their names inserted in the general register, and shall be entitled to all the privileges and benefits arising therefrom.

VIII. *And be it further enacted*, That this act be, and is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

CHAP. XXVII.

An ACT to establish a Register's Office in and for the City and County of New-York.

Passed March 13, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the duty of the clerk of the city and county of New-York which appertains and relates to the registering of mortgages, and to the recording of deeds, conveyances and other writings, which by law are directed, or hereafter may be directed, to be registered or recorded, shall, from and after the first day of May next, be vested in and held, exercised and enjoyed by a person to be appointed as is herein after mentioned, and be called the register in and for the city and county of New-York; and that such register shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment; and shall have and enjoy all the rights and powers, and perform all the duties of the clerk of the city and county of New-York, in relation to the recording and registering of deeds, conveyances, mortgages and other writings.

II. *And be it further enacted*, That the clerk of the city and county of New-York shall forever, from and after the said first day of May, be relieved, restrained and precluded, from doing or performing any duties or services, or any act, matter or thing whatsoever, as clerk of the said city and county, so far as the same re-

Provide.

This is a public act.

Registering of mortgages, recording of deeds, &c. to be performed by a person called the register in and for the city and county of New York

Register to be appointed by the council of appointment.

His rights and powers.

The clerk of N. York relieved from the duty of registering mortgages, &c.

lates to the registering of mortgages and recording of deeds, conveyances and other writings, which by law are, or hereafter may be directed and required to be recorded or registered.

The register may demand the like fees as clerks of counties.

Transcripts of records certified by the register may be read in evidence.

III. *And be it further enacted*, That the said register may demand and receive for his emoluments the like fees and compensations as are now allowed by law in similar cases to clerks of counties; and the transcript of all records, certified by the said register, may be read in evidence in any court of this state, without further proof of such deed, conveyance or other writing, so recorded in the said office.

In cases of certain incumbrances on real estate a note descriptive thereof is to be made and delivered to the register.

IV. *And be it further enacted*, That in all cases where any assessment, tax, rate, charge, debt, duty or demand whatsoever, in favor of or payable to the mayor, aldermen and commonalty of the city of New-York, or to any person or persons, body politic or corporate, shall, after the first day of May next, by virtue of any act or acts of the Legislature of this state be made, or in any manner become and be a mortgage, lien, charge or incumbrance, upon any lands, tenements or hereditaments, in the said city of New-York, or any interest therein, it shall be the duty of the said mayor, aldermen and commonalty, or other mortgagees or incumbrancers, to cause a note or memorandum thereof to be made and delivered to the said register, for registering in his said office; which note or memorandum shall specify and contain therein the number of the lots or lots, and the names of the streets and wards wherein the same shall be situated, or other apt and sufficient general designation of the lands, tenements or hereditaments, which shall be the subject of such mortgage, lien, charge or incumbrance, and the date of the said mortgage, lien, charge or incumbrance, or the time when the same accrued and became chargeable upon the said lands, tenements or hereditaments; and the name or names of the said mortgagees or incumbrancers, and also, where the same shall be known, of the owners and proprietors of the said lands, tenements and hereditaments, with the grounds or cause of such incumbrance; and it shall be the duty of the said register forthwith to enter and register the said note or me-

Register to enter the said note.

memorandum, in suitable and proper books to be provided and kept by him for that purpose; and the said register shall immediately, on the delivery of every such note or memorandum to him for registry, make a minute or indorsement thereon of the day, month and year, and hour of the day, when the same shall be delivered to and left with him, or in his office for registry, and the registry thereof shall bear date corresponding with, and the same shall be considered as registered at the said time mentioned in such indorsement or minute; and no such assessment, rate, tax, charge, debt, duty or demand, shall in any case or manner whatsoever be, or operate as a mortgage, lien, charge or incumbrance, upon any lands, tenements or hereditaments, or any interest therein, so as to defeat, prejudice or affect, the title or interest of any bona fide purchaser or mortgagee of the same, unless the said note or memorandum of such said mortgage, lien, charge or incumbrance, shall have been duly registered as aforesaid; and the said register shall be entitled unto, and shall receive for registering every such note or memorandum, from the person who shall deliver the same to him for registry, the sum of twenty-five cents: *Provided*, That it shall not be necessary for any note or memorandum of any judgment, order or decree, of any court of law or equity, to be registered in the said office.

And to make a minute of the time of its delivery to him.

Fee for registering.

V. *And be it further enacted*, That whenever any such assessment, rate, tax, charge, debt, duty or demand, shall be satisfied or discharged, and a certificate signed by the incumbrancers, their successors, executors, administrators or assigns, or any person by them thereto authorised, and proved and acknowledged in the manner by law required for the acknowledgment or proof of deeds, shall be produced to the said register, such register shall enter in the said book of registry a minute of such discharge and certificate, which minute shall be deemed and taken to be a full and absolute bar to the first entry of such note or memorandum of such assessment, rate, tax, charge, debt, duty or demand; but it shall not be necessary for the said register on entering such minute, or on registering any such note or me-

morandum aforesaid, to record or register the same, or any certificate of the proof or acknowledgement thereof, at length, or more fully than herein before is directed; and the said register shall be entitled to demand and receive from the person producing such certificate of discharge, for entering such minute thereof, the sum of twenty-five cents.

The loan officers of the county of N. York to give a list of mortgages executed to them as such to the register.

The same to be by him filed and transcribed in a book.

An index shall be made to each book of registry.

Also a general index.

VI. *And be it further enacted*, That it shall be the duty of the loan officers of this state for the county of New-York, and they are hereby required to cause a list or schedule of all the mortgages heretofore executed and given to them as loan officers, and now remaining either wholly or in part unsatisfied, with the respective dates thereof, the sums due thereon, and a general designation of the premises thereby mortgaged, to be furnished to the said register within three calendar months from and after the first day of May next, the same to remain on file in the office of the said register, and to be transcribed and entered by him into a book or books to be by him provided for that purpose.

VII. *And be it further enacted*, That the said register shall make an index to each book of registry of mortgages and incumbrances, and also a general index to all the said books of registry of mortgages and incumbrances; and shall from day to day, and time to time, as the said mortgages and incumbrances shall be registered or entered as aforesaid, make an entry in the index of the book wherein the same shall be registered or entered, and also in the said general index, of the name and names of each and every mortgagor, debtor and owner or proprietor of land, mortgagee, incumbrancer and party, named in such mortgage, or in such note or memorandum of assessment, rate, tax, charge, debt, duty or demand, so to be registered or entered as aforesaid, arranged alphabetically under the initial letters of the name of each and every mortgagor, debtor, owner or proprietor of land, mortgagee, incumbrancer and party, named therein, with proper references in the said general index to the book of registry wherein the said mortgages and incumbrances shall be entered or registered; to which books of registry and indexes all persons shall have free access for search, at all reasona-

able times during the day time, and which the said register shall be bound to exhibit to those who wish to search.

All persons shall have free access to search the index books

VIII. *And be it further enacted*, That the fees of the said register for searches for deeds and conveyances, or for mortgages and incumbrances, shall be the same as are now, or as may hereafter be allowed and provided for by law for the like services; but that no additional charge shall be made for such indexes as are herein directed to be made by the said register.

Fees for searches to be the same as now allowed by law for like services.

IX. *And be it further enacted*, That it shall be the duty of the clerk of the city and county of New-York, immediately after the said register shall enter upon the duties of his office, to render, and by virtue of this act, to deliver over to him all such books, deeds, mortgages and other papers, which relate to the office hereby established.

The clerk of the city and county of N. York shall deliver to the register all books, deeds, &c. which relate to the office hereby established.

CHAP. XXVIII.

An ACT for the relief of the heirs of George McCall, deceased.

Passed March 13, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That George Clymer and Archibald McCall, of the city of Philadelphia, joint guardians of George McCall and William McCall, of said city, infant heirs of George McCall, also of said city, deceased, be, and they are hereby authorised to sell and convey, in fee simple, so much of the real estate whereof the said George McCall died seised, in the state of New-York, at the best price they can obtain for the same, as shall be sufficient to reimburse them the monies heretofore necessarily expended in the payment of taxes on, and defending the title to, said lands, and in the maintenance and education of said infant heirs, and for the future maintenance and education of said heirs, according to their estate, as well as the future expenses the said guardians may necessarily incur in the charge of the real estate of said heirs: *Provided*, That such sales shall in all cases be made under the order of the chancellor of this state, on such terms of credit, and to such an amount, as he shall

from time to time authorise and direct ; and that such security as the said Chancellor shall think sufficient and approve, be first given to the said heirs for the due application, by the said guardians, of the monies arising from the aforesaid sales ; and that such guardians will render a just and true account thereof in all courts and places when thereunto required.

CHAP. XXIX.

An ACT *further to amend the Act incorporating the Seneca Road Company, and the acts amending the same, and for other purposes.*

Passed March 13, 1812.

Time for
completing
the road ex-
tended to
Nov. 1, 1814.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for completing the road from the town of Sullivan through the Onondaga reservation, near the salt springs, shall, and hereby is extended to the first day November, in the year of our Lord one thousand eight hundred and fourteen, any thing in the acts hereby amended to the contrary notwithstanding.

Rates of toll
altered.

II. *And be it further enacted,* That the president and directors of said company, instead of the rates of toll formerly demanded in like cases, shall and may receive at each of their gates the following rates of toll : For each waggon, drawn by four horses or oxen, seventy-five cents ; for each waggon, drawn by five horses or oxen, eighty-seven and an half cents ; and for each waggon, drawn by six horses or oxen, one dollar, and one-fifth of said rate of toll if the tire of said waggons shall be six inches broad or upwards : *And further,*

Penalty for
going round
any gate to
evade paying
toll.

That any person or persons who shall take, or cause to be taken off from any such waggon, any horse or horses, ox or oxen, when they arrive near any gate on said turnpike, or shall take round any of said gates any carriage or carriages, or horse or horses, ox or oxen, in order to defraud said company, shall forfeit to said company for each offence five dollars, to be sued for and recovered by action of debt, in the name of the treasurer of said company : *Provided,* That persons moving with their families and household furniture shall not be subject to the above increased toll : *Provided,* That

Proviso.

this act shall not go into effect until the first day of May, in the year one thousand eight hundred and thirteen.

III. *And be it further enacted*, That the provisions and privileges of the last preceding clause be, and the same are hereby extended to the president, directors and company of the Albany and Schenectady turnpike road: *Provided*, That if the tire of said waggons be six inches or upwards, no greater or higher toll shall be demanded than two-thirds of the amount now authorised to be taken by the act, entitled "an act for establishing a turnpike road between the cities of Albany and Schenectady," passed March 30th, 1802.

Provisions of the preceding section extended to the Albany and Schenectady turnpike road.

CHAP. XXX.

An ACT to extend the privileges of the Ontario Manufacturing Company.

Passed March 20, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Ontario manufacturing company, or their successors in office, to erect a grist and saw-mill for the use and benefit of the said company: *Provided*, That for all debts which shall at any time be due and owing by the said company upon account of the said grist-mill, the persons composing such company shall be responsible both in their corporate and individual capacities.

CHAP. XXXI.

An ACT to divide the town of Warsaw, in the County of Genesee.

Passed March 20, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the day next preceding the first Tuesday of April, one thousand eight hundred and thirteen, all that part of the town of Warsaw, comprised in township number ten, in the first range of the Holland company's lands, shall be, and the same is hereby erected into a separate town, by the name of Middlebury, and the first town meeting in the said town

of Middlebury shall be held at the dwelling-house of Amzi Wright, and that the remainder of the said town of Warsaw shall be and remain a separate town by the name of Warsaw.

II. *And be it further enacted*, That it shall be the duty of the supervisors and overseers of the poor of the said towns of Warsaw and Middlebury, so soon as may be after the first town meetings in said towns, and after public notice being given for that purpose, to meet together and apportion the poor and poor money belonging to the said town of Warsaw, agreeable to the tax list of the year one thousand eight hundred and eleven, and that each town shall thereafter respectively support its own poor.

CHAP. XXXII.

An ACT to amend an act, entitled "*an act to establish a Turnpike Corporation to improve the road from Rensselaerville to Greenfield.*"

Passed March 20, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president, directors and company of the Greenfield turnpike road, to lay out and work said road twenty-eight feet wide, and that such part of the former act as directs said road to be worked thirty-three feet wide, be and the same is hereby repealed.

CHAP. XXXIII.

An ACT to authorise the Supervisors of the County of Steuben to raise Money by tax for the erection of a Fire-Proof Clerk's Office.

Passed March 20, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the said county of Steuben, at their annual meeting on the first Tuesday in October next, to levy and raise by tax on the freeholders and inhabitants of the said county, a sum not exceeding one thousand dollars, over and above the ordinary expenses of collecting the same, which

amount may be drawn from the treasury of said county, upon the order of George McClure, Howell Bull and Henry A. Townsend, who shall be, and are hereby appointed commissioners for superintending and building the said office, of such size and dimensions as to them may seem proper, on the public ground south of the court-house, in the village of Bath; and the said commissioners shall account to the supervisors of said county for all disbursements and expenditures arising to them in erecting the said fire-proof office.

CHAP. XXXIV.

An ACT *for the relief of Nathan Stanley.*

Passed March 20, 1812.

WHEREAS it is represented to the Legislature, that the act, entitled "an act for the relief of the representatives of Daniel Hungerford," was obtained on a false suggestion that the patent therein mentioned was intended to have issued to Daniel instead of David Hungerford: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the court before whom any question relative to the title to lot number ninety, in Cincinnatus, shall be tried, to enquire into the verity or falsity of such suggestion, and if on such trial the jury shall find it false, verdict and judgment may be rendered and entered between such parties as though the said act had not been passed.

CHAP. XXXV.

An ACT *for the relief of certain borrowers from the Common School Fund.*

Passed March 20, 1812.

I. BE *it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all persons who have been prosecuted by the Attorney-General, under the third section of the act, entitled "an act extending the time for the payment of the school fund loans," passed March 22d, 1811, and who before the passing of this act shall have paid all interest

in arrear and due from them on loans made from the common school fund, shall hold their loans respectively in the same manner and upon the same terms as they might have held them if the said interest had been paid and satisfied at the time required in and by the third section of the said act; and not otherwise.

II. *And be it further enacted*, That all prosecutions commenced against the persons aforesaid, under the third section of the said act, shall be and the same are hereby discharged: *Provided*, That any person or persons prosecuted as aforesaid, shall not be entitled to the benefits of this act, unless he or they shall, on or before the first day of June next, pay and satisfy the costs and charges accrued on such prosecution or prosecutions.

CHAP. XXXVI.

An ACT for dividing the Town of Willink, in the County of Niagara, into several Towns.

Passed March 20, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That all that part of the town of Willink, distinguished by township number nine, of the Holland land company, west of the transit meridian line, be erected into a separate town by the name of *Hamburgh*, and that the first town meeting in the said town of *Hamburgh* shall be held at the house of Jacob Wright, in said town; and that all that part of the said town of Willink, distinguished by township number eighth, in the seventh, eighth and ninth ranges of townships, west of the said transit line, be erected into a separate town by the name of *Eden*, and that the first town meeting in said town of *Eden* shall be held at the house of Benjamin Tubbs, in said town; and that all that part of the said town of Willink, distinguished by number eight, and nine, in the fifth and sixth ranges of townships, east of the said transit line, be erected into a separate town by the name of Willink, and that the first town meeting in the said town of Willink shall be held at the house of John Adams, in said town; and that all the remaining part of the said town of Willink, lying east and west of the said transit line, containing number six and seven, be

Hamburgh
erected.

Eden.

Willink.

erected into a separate town by the name of Concord, ^{Concord.} and that the first town meeting in the said town of Concord shall be held at the house of Amaziah Ashman, in said town.

II. *And be it further enacted*, That so soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall, by due notice being given by the supervisors thereof, meet and apportion the poor maintained by the said town of Willink, and the poor money belonging to the same, agreeably to the last tax list, and that each of the said towns shall thereafter respectively maintain its own poor.

III. *And be it further enacted*, That this act shall take effect from and after the day preceding the first Tuesday of April next.

CHAP. XXXVII.

An ACT to incorporate the Hempstead Turnpike Company.

Passed March 20, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Samuel Carman, Joseph Pettit, Abraham Bedell, Lawrence Seaman, William Nichols, John Lefferts, Lewis Hewlett, James Hendrickson, William Mott and all such other persons as shall associate with them, to make a good and sufficient turnpike road, to begin at the house of Charles McNiel, in the township of Jamaica, in Queens county, and running from thence to the house of Isaac Clowes, in the township of Hempstead, shall be, and are hereby created a body corporate and politic, in fact and in name, by the name and style of "the president, directors and company of the Hempstead turnpike road," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and by the same name and style shall be in law capable of

Hempstead
turnpike
road company
incorporated.

Their style
and corporate
rights.

purchasing, holding and conveying any estate, real and personal, for the use of the said corporation : *Provided*, That such estate, so to be purchased and held, shall be necessary to fulfil the objects of the said corporation, and to no other purpose whatsoever.

Proviso.

Route of the road.

II. *And be it further enacted*, That the road to be made by virtue of this act, shall pursue the route of the present road, and that no part of the said turnpike road shall be less than four rods in width : *And further*, That the bedding of the said road shall not be less in breadth than thirty-two feet, any act to the contrary notwithstanding.

Stock of the company.

Commissioners to receive subscriptions.

III. *And be it further enacted*, That the stock of the said company shall consist of eight hundred shares, of twenty-five dollars each ; and that Joseph Pettit, Abraham Bedell, James Hendrickson, Lawrence Seaman, John Lefferts, Lewis Hewlett and William Nichols, shall be and hereby are appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

Stock may be increased

IV. *And be it further enacted*, That if, after the said eight hundred shares shall have been appropriated by the president and directors of the said company, in making and completing of the said road, and the gates and toll houses on the same, and the sum so appropriated shall be found inadequate to the aforesaid objects, then and in such case it shall and may be lawful for the president and directors of the said company, in order to complete the said road, to increase the stock of the said company, and call upon the stockholders to pay a further sum to be appropriated in an equal ratio, not exceeding five dollars upon each and every share of the said stock.

Commissioners to lay out the road.

V. *And be it further enacted*, That the before mentioned Joseph Pettit, Abraham Bedell, James Hendrickson, Lawrence Seaman, John Lefferts, Lewis Hewlett and William Nichols, shall be, and hereby are appointed commissioners, to lay out the road directed in and by this act, subject to the directions, regulations and restrictions, in all respects as are prescribed and contained in and by the aforesaid act, entitled "an act re-

lative to turnpike companies," herein before referred to, and to execute and perform all the duties, matters and things therein mentioned, as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to.

VI. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive, at each of the two gates, which shall not be less than one mile from the house of the aforesaid Charles McNiell, and not less than one mile from the house of the aforesaid Isaac Clowes, to be erected on the said road, from every person using the same for any number of miles not exceeding ten in length of the said road, the following sums of money, and so in proportion for any less distance, that is to say: For every score of sheep Rates of toll, or hogs, eight cents; for every score of cattle, horses or mules, ten cents, and so in proportion for a greater or less number; for every horse or mule and rider, or led horse or mule, four cents; for every chair, chaise, gig or sulkey, drawn by one horse, ten cents, and for every additional horse, five cents; for every coach, coachee, chariot, phaeton or curricule, drawn by two horses, twenty-five cents, and for every additional horse, five cents; for every cart, stage-waggon or other four wheel carriage, not before mentioned, drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents; for every cart, waggon, sleigh or sled, drawn by one horse or mule, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, two cents: *Provided always nevertheless*, That the president and directors of the said company may commute with any person or persons for the privilege of using the said road by the year or for any less time.

VII. *And be it further enacted*, That if any person shall pass either of the said gates on the said road without paying toll, upon pretence of being exempted therefrom under the act before referred to, every person so offending shall, for every such offence, forfeit and pay to the aforesaid company ten dollars, to be recovered in any action of debt, by the treasurer of said company, Penalty for passing any of the gates without paying toll,

in his own name, in any court having cognizance thereof; and if any person who shall pass either of the said gates, shall refuse to inform the collector of tolls of the distance he or she has travelled on the said road, every person so offending shall forfeit for each offence to the said company five dollars, to be recovered in action of debt by the treasurer, in his own name, in any court having cognizance thereof.

Privileges of
the company

VIII. *And be it further enacted;* That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the before recited act, and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the same, saving and excepting where the same are contrary to the provisions of this act.

CHAP. XXXVIII.

An ACT *appointing Commissioners to lay out the Road therein mentioned from Canandaigua to the mouth of Genesee river.*

Passed March 20, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That John Brocklebank, Asa Hickox and Samuelt Felt, be, and they are hereby appointed commissioners to lay out a road from the upper end of main street, in the town of Canandaigua, on the most direct and eligible route to Rufus Dryers, in the town of Bloomfield; from thence in the most direct and eligible route to the mouth of Genesee river, in the town of Boyle; and that the same, when laid out, shall be deemed and considered a public highway, and shall be worked and kept in repair by the several towns through which the same shall pass.

II. *And be it further enacted;* That each of said commissioners shall be allowed for his services as aforesaid, two dollars per day; and it shall be the duty of the supervisors of the county of Ontario to make provision for such compensation as soon as may be after the performance of the service hereby required.

CHAP. XXXIX.

An ACT to amend the act, entitled "an act for the relief of George Brown, executor of Arnold Potter, deceased."

Passed March 20, 1812. ✓

WHEREAS it is represented to this Legislature Preamble that John Nicholas, one of the trustees appointed in and by the act, entitled "an act for the relief of George Brown, executor of Arnold Potter, deceased," has wholly refused and declined to act in the premises as such trustee: And whereas Sarah Potter, widow of the said Arnold; and John Clark, guardian of the infant heirs of said Arnold, have, by their petition, prayed for the appointment of John C. Spencer as a trustee, and for certain amendments to the act herein before recited: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That John C. Spencer, of the town of Canandaigua, in the county of Ontario, be, and he is hereby appointed a trustee in the room and place of the said John Nicholas, to do and perform all the duties by the act aforesaid required to be performed by the said John Nicholas, in conjunction with Nathaniel W. Howell and George Brown; and that the assent of all the said trustees shall be necessary to the sale of any part of the estate of the said Arnold Potter, for the payment of his debts, to the execution of deeds, in pursuance of such sales, and also in pursuance of contracts entered into by the said Arnold Potter in his life time, any thing in the act hereby amended to the contrary notwithstanding: *Provided* John C. Spencer appointed a trustee in the room of John Nicholas however, That the said John C. Spencer shall execute a bond to the infant children of the said deceased, in the manner prescribed in and by the third section of the act hereby amended, before entering upon the execution of the trust vested in him by this act. Proviso

II. *And be it further enacted,* That in case any vacancy shall be occasioned by the death, inability or refusal to serve, of the said trustees, or any of them, it shall and may be lawful for the person administering the government of this state to appoint some other fit and Vacancies to be filled by the governor

discreet person or persons to supply any such vacancy, which person or persons so appointed shall have the like power and authority as the trustee or trustees in whose place he or they may be appointed, and shall be subject to the like duties and restrictions as are provided for such trustees by this act, and the act hereby amended :

Provided.

That the trustee or trustees so to be appointed shall execute a bond, in the manner prescribed in and by the third section of the act hereby amended, before he or they shall enter upon the trust vested in him or them.

Fourth section of the act hereby amended repealed.

III. *And be it further enacted,* That the fourth section of the act hereby amended be, and the same is hereby repealed ; and that the monies which shall arise from the sale of lands, and from the granting of conveyances, pursuant to this act and the act hereby amended, shall be applied by the trustees now appointed, or hereafter to be appointed, to the payment of the debts of the said deceased, according to the legal order of payment, as in the case of executors ; and that the trustees shall annually, on the first of January in each and every year, upon their oath, render to the surrogate of the county of Ontario a just and true account, in writing, of all sales made by them, whether for the payment of debts, or in pursuance of contracts, of the application of all monies arising from such sales, and of all their proceedings in the premises ; and the trustees for their trouble in and about the said business, shall be allowed to deduct and retain one per cent from the amount of the monies arising from such sale.

The trustees to render an account of sales made to the surrogate of Ontario.

G. Brown & N. W. Howell to render an account of all sales made by them heretofore to said surrogate.

IV. *And be it further enacted,* That it shall be the duty of the said George Brown and Nathaniel W. Howell, two of the trustees appointed in and by the act hereby amended, to render to the surrogate of the county of Ontario, on oath, a just and true account, in writing, of all sales made by them pursuant to the act hereby amended, and of the application by them, or either of them, of the monies arising from such sales, on or before the first day of June next ; and that a refusal or neglect by them, or either of them, to render such account, and the refusal or neglect of the trustees to render the account prescribed by the preceding section

of this act, shall in either case be deemed a refusal to serve and execute the trust vested in them by this act, and the act hereby repealed. *Act. The Legislature has*

[NOTE.—The foregoing act, having been considered as a revised act, was not numbered in the order of its passing: as it was intended that the revised acts should have a numerical arrangement, distinct from the general laws of the session.] *by the Gov*

An ACT concerning the State Prison. *To amend the laws*

Passed May 21st, 1812. *of the*

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the public building erected in the city of New-York for the reception of convicts, shall be called the "State Prison;" and that the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, as often as may be requisite, appoint such number of persons, not exceeding seven, as may be necessary to form a board of inspectors therefor; and that the said inspectors shall meet at the prison once at least in every month, and oftener if necessary, or if required by the visiting inspectors hereinafter mentioned; and that the said inspectors, together with the justices of the supreme court, the mayor and recorder of the city of New-York, the attorney-general, and the district attorney for the district in which the said city shall be comprehended, or a majority of them, shall have power from time to time to make such rules as they shall think proper for the government of the convicts confined in the state prison, their diet, clothing and maintenance, and for all other interior regulations for the said prison, not inconsistent with the laws and constitution of this state, and the intention of this act. And the said inspectors shall appoint two or more of their number to be a visiting committee, and renew such appointment at least once in every month; whose duty it shall be to visit the prison, once at least in every week.

II. *And be it further enacted,* That the inspectors shall have the charge and custody of the prison, and prisoners therein, and they may appoint and employ under them a principal keeper, a deputy keeper, and as

State prison

Inspectors thereof to be appointed.

How often to meet.

Inspectors, Judges of the Supreme Court, &c. to make rules for the government of the prison.

Visiting Inspectors.

Inspectors to have charge of the prison, and to appoint its officers.

Writs of
habeas corpus
to be return-
ed by the
keeper.

many assistant keepers as they shall deem proper : and whenever there shall happen to be no principal keeper, all the duties and power of principal keeper shall devolve and be executed by the deputy keeper, until a principal keeper shall be appointed : and all writs of habeas corpus to be granted in behalf of any person confined in the said prison shall be directed to and returned by the keeper of the said prison for the time being.

The Inspect-
ors to ap-
point an
agent.

His duty.

III. *And be it further enacted,* That it shall and may be lawful for the inspectors of the state prison to appoint an agent, who shall, previous to his entering on the duties of his office, give such security for the faithful performance thereof as the said inspectors shall require, and whose duty it shall be, under the direction of the said inspectors, to attend daily at the said prison, to view and superintend all the business thereof, to examine whether the keepers have been careful and vigilant, and to enquire generally into the state of the prison, as well as the health, conduct and safe keeping of the prisoners ; and to employ them in useful work, in such manner as will be most beneficial to the public, and suitable to their various capacities ; to purchase their provisions, and articles for their clothing and bedding, and the provision for the keepers ; and also to purchase the tools and implements necessary for the convicts, and all the raw materials to be manufactured ; of all which he shall render a weekly account for the examination of the inspectors, or visiting committee. And it shall also be the duty of the said agent to superintend all the manufacturing and mechanical business that is or may be carried on within the said prison, and receive the articles so manufactured, and dispose of the same for the benefit of the state, under the direction of the said inspectors. And that the said inspectors shall appoint one or more clerks to keep the books and accounts of the state prison, and to assist the agent in the performance of his duty.

All contracts
to be made in
the name of
the agent.

IV. *And be it further enacted,* That all the contracts and dealings on account of the said institution, shall be transacted by and in the name of the agent of the

state prison ; and by that name the present agent and his successor in office shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all actions and suits, complaints, matters and causes concerning the state prison. And by that name the agent for the time being shall be and hereby is authorised and empowered to sue for, prosecute, recover and receive, of and from all persons indebted to any former agent or inspectors of the state prison, or to the people of this state on account thereof, such sums of money as shall be due, or become due, of and from any person or persons.

His powers.

He may sue for and recover all debts due to former agents or inspectors

V. *And be it further enacted*, That the agent may, with the consent of the inspectors, appoint such person or persons as may be necessary, from time to time, to act under his direction as factor or factors, who shall, before he or they enter on the duties of his or their appointment, give such security to the said agent as he may require, for the faithful performance of the duties of such factor or factors, and who shall aid in the disposal of the goods manufactured in the prison, and make a monthly report to the said agent of all sales by him or them made, and of the proceeds thereof, and shall also at the same time account and settle with the said agent for the same to his satisfaction ; for which services he or they shall be allowed a commission not exceeding seven per cent.

He may appoint factors under him.

The factors to give security.

VI. *And be it further enacted*, That it shall be the duty of the agent of the state prison, annually, on or before the third Monday of February, to render to the comptroller a full and true account on oath of all monies received by him on account of the state prison, and of all the monies expended or appropriated by him for the use thereof, with sufficient vouchers for the same, and also an account of the goods manufactured and sold, and an inventory of the goods and raw materials on hand, exhibiting a complete detail of the transactions of the prison, for the year ending on the first day of January, preceding.

The agent shall report annually to the comptroller.

The agent shall endeavor to collect outstanding debts.

He shall report bad debts, and in future shall not give credit longer than six months.

When disputes arise between the agent and any person,

the same shall be referred to arbitration.

The agent shall take charge of the property of prisoners when applied to by them.

Their property how applied.

An inspector incompetent to act as agent.

The comptroller to examine the agents accounts.

VII. *And be it further enacted,* That it shall be the duty of the agent for the state prison, in all cases possible, to collect or secure the payment of all outstanding debts, and to specify in his annual report to the comptroller, as nearly as may be, the amount of bad debts: and it shall not in future be lawful for the said agent to sell any article manufactured in the state prison on a credit of more than six months.

VIII. *And be it further enacted,* That it shall and may be lawful for the agent of the state prison, whenever any dispute or controversy shall arise relative to any claim or demands which any person or persons now or hereafter may have against the agent of the prison, or any claim or demand which the said agent may now or hereafter have against any person, to refer the same to arbitration of two or more persons mutually chosen by the said agent, and the person or persons with whom such controversy may exist,

IX. *And be it further enacted,* That on the application of any prisoner or prisoners confined in the state prison to the agent, requesting him to take charge of his, her or their property, the agent be empowered to collect and receive, and sue for any goods, chattles or monies due or belonging to such prisoner or prisoners, and to keep a correct account thereof, and to pay the amount to said prisoner or prisoners, when released, or to his, her or their legal representatives. And if such prisoner or prisoners should not be released, and if no legal representative should demand such property, then and in that case, the same shall be applied to the use of the state.

X. *And be it further enacted,* That no person acting as inspector of the state prison shall at the same time be competent or permitted to act as agent.

XI. *And be it further enacted.* That it shall be the duty of the comptroller to examine the accounts of the agent, and lay a statement thereof before the legislature, on or before the second Monday of March, annually.

XII. *And be it further enacted,* That it shall be deemed an offence against the people of this state, for any deputy or assistant keeper of the said prison, or any workman employed in or about the prison, or for any other person, to convey out of or bring into the prison any letter or writing, or any other thing whatsoever, without being examined by one of the inspectors, the agent, or keeper.

Bringing letters to or conveying the same or any other thing out of the prison without the agents consent declared a public offence.

XIII. *And be it further enacted.* That it shall be unlawful for the principal keeper of the said prison, or his assistants, or any person whomsoever, to introduce into, or give away, or barter or sell within the said prison, any spirituous or fermented liquors, excepting only such as are necessary for the keepers, or their families, or permitted by the inspectors, or ordered by the attending physician; and for all such offences the person or persons offending shall forfeit the sum of twelve dollars and fifty cents, to be recovered with costs of suit, before any justice of the peace of the city and county; the one moiety of which shall be for the benefit of the prosecutor, and the other for the inspectors, for the purposes herein mentioned.

Penalty for introducing spirituous liquors into the prison.

XIV. *And be it further enacted,* That such convicts as aforesaid who shall be sentenced to imprisonment in the state prison, shall be clothed in habits of coarse materials, and be sustained upon a sufficient quantity of inferior, but wholesome food, at the discretion of the said inspectors, and shall be kept, as far as may be consistent with their sex, age, health, and ability to labor, in such manner as shall be deemed just and right.

clothing and food of the convicts.

XV. *And be it further enacted,* That in all cases where any person shall be adjudged to imprisonment in the state prison, all expenses and charges to arise in conveying such offender to the same, shall be defrayed out of the treasury of this state; and also all sums of money and suitable rewards paid for advertising and apprehending any convict or convicts who may have escaped from the said prison.

Charges of conveying convicts to the prison defrayed by the state.

XVI. *And be it further enacted,* That when any person shall be convicted and sentenced to imprison-

Where a person is convicted the clerk of the court

shall give a copy of the sentence to the sheriff.

Sheriff's allowance for conveying convicts to the prison.

Sheriff's shall have power to call assistance when conveying convicts to the prison.

Prison guard.

ment in the state prison, the clerk of the court in which such sentence shall be passed shall make and certify a copy thereof, and deliver the same to the sheriff, who shall, when he conveys such convict to the said prison, deliver the said copy with the said convict to the keeper of the said prison, and receive from the said keeper a certificate of such delivery of the said convict, and the sheriff shall be allowed for the support and maintenance of such convicts, at and after the rate of one dollar per day for each and every convict so conveyed and delivered by him, together with the other reasonable expenses attending the conveyance of such convict or convicts, and shall in addition thereto be entitled to and receive for his services in conveying such convict or convicts as aforesaid, at and after the rate of twenty-five cents per mile, to be computed from the place at which such sheriff may have received such convict or convicts; but no other or further charge of mileage shall be allowed for conveying two or more convicts as aforesaid, than for the conveyance of one; all which monies shall be paid to the sheriff performing the said services, out of any money in the treasury not otherwise appropriated.

XVII. *And be it further enacted*, That the sheriffs of the several counties within this state, during the time that they or either of them shall be conveying to the prison any person convicted in any of the counties within this state, shall have the same power, and the like authority, to demand the assistance of any of the people of this state, in securing every such person as if such sheriff were in the county for which he is appointed sheriff: and all persons shall be aiding and assisting such sheriff, under the same penalties as if such sheriff was in his proper county.

XVIII. *And be it further enacted*, That the state prison guard shall consist of one captain, to be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment; one serjeant, two corporals, one drummer, one fifer, and not more than twenty privates, who shall be natives of the United States, and not less

than twenty-one, nor more than forty years of age, excepting the captain, and they shall engage themselves for the term of three years at least. *Provided* However, that the person administering the government of this state for the time being may discharge them sooner if he shall think proper so to do.

XIX. *And be it further enacted,* That the monthly pay of the said guard shall be as follows: that of the captain shall be forty-eight dollars: that of the serjeant twenty-five dollars: that of the corporals, drummer and fifer, twenty-two dollars: and that of the privates nineteen dollars: which shall be in lieu of every compensation, except the articles herein after enumerated. Their monthly pay.

XX. *And be it further enacted,* That the said non-commissioned officers and privates shall be furnished with necessary arms, ammunition and accoutrements, at the expense of the state; which arms and accoutrements shall be delivered over to the captain of the said prison guard, at the expiration of their several terms of service, and shall wear such uniform as the person administering the government of this state for the time being shall direct, and shall also annually receive the following articles of uniform clothing, to wit: one hat, one coat, two vests, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, one watch coat, every two years, and such fuel as may be deemed necessary. To be furnished with arms, &c. by the state.

XXI. *And be it further enacted,* That the said guard shall be stationed at or near the said prison, and shall be under the direction of the mayor of the said city, and shall obey all such orders, rules and regulations, as the said mayor may from time to time give or make, for the better and effectual guarding of the said prison for preventing escapes therefrom, and for apprehending such of the convicts as may have effected their escape. *Provided however,* that it shall not be lawful for the said mayor to employ the said guard in any other way, or to demand any other service or duty from them than such as relate immediately to the safe keeping of the prisoners. Where to be stationed, and under whose direction.

The mayor of New-York to inspect the guard once every 3 months.

On representation of the inspectors may suspend the captain.

Rules may be made for the government of the guard.

The officer commanding the guard to report weekly.

Punishment for deserting from the guard.

The guard shall board and lodge in the barracks.

Persons serving in the guard shall be free from arrests on civil process.

XXII. *And be it further enacted,* That the mayor of the city of New-York shall from time to time inspect the said guard and report the state thereof at least once in every three months to the person administering the government of the state for the time being, and may in his discretion direct the discharge of any non-commissioned officer, musician or private, belonging to the said guard, and cause all vacancies to be filled by new engagements, and on the representation of the inspectors of the state prison may suspend the captain of the said guard from the execution of his duties, until the sense of the council of appointment be had in the premises: and that the said mayor, together with any two of the inspectors of the state prison, shall from time to time make and establish rules, regulations and orders, for the better government of the said guard, for the trial of all offences against discipline, and for inflicting proper punishments for breaches thereof, not exceeding a fine of one month's pay, and sixty days imprisonment, in such place as the court shall direct.

XXIII. *And be it further enacted,* That it shall be the duty of the officer commanding the said guard to make a weekly return of the said guard to the said mayor.

XXIII. *And be it further enacted,* That if any non-commissioned officer or private shall desert from the said guard, he shall, on conviction by a jury, be sentenced to imprisonment in said prison, for a term not exceeding five years; and it shall and may be lawful for the agent of the state prison to pay from time to time such sums of money as he may deem necessary, for the purpose of advertising, apprehending and securing deserters, and furnishing substitutes with clothing.

XXV. *And be it further enacted,* That no officer, non-commissioned officer, drummer, fifer or private, belonging to said guard, shall board and lodge at any other place than at the barracks erected for that purpose.

XXVI. *And be it further enacted,* That all and every of the persons now belonging, or shall hereafter

at any time belong to the state prison guard, shall for and during the time of their continuance in service in such guard be and remain free from all arrests by civil process.

XXVII. *And be it further enacted,* That the treasurer of this state shall from time to time pay to the agent, by order of the inspectors of the said prison, or any two of them, on the warrant of the comptroller, such sums as shall appear to the comptroller necessary for the payment of the said guard, and for the purchase of the arms, ammunition and accoutrements, and the other articles with which they are to be furnished as aforesaid. How the guard shall be paid.

XXVIII. *And be it further enacted,* That the agent shall be allowed at and after the rate of two thousand dollars per annum : and the clerk or clerks shall receive such sum or sums for their services as the said inspectors shall direct, not exceeding the sum of six hundred dollars annually to each, and the principal keeper of the said prison shall receive at and after the rate of eight hundred and seventy-five dollars per annum, and the maintenance of himself and family in the state prison, and the deputy keeper thereof at the rate of six hundred dollars, and the assistant keepers respectively three hundred dollars per annum for their services, and the said deputy and assistant keepers to be maintained also in the said prison : which said salaries shall be paid by the *comptroller*, on application of the agent, signed by at least four of the inspectors, and it shall be lawful for the said inspectors to remove the aforesaid officers, or any or either of them, whenever in their judgment the interest of the institution shall require it. Salary of the agent.
of the clerks.
of the principal keeper.
of the deputy keeper.

XXIX. *And be it further enacted,* That the inspectors, and the other persons performing any duty in the said state prison, shall be exempted during their continuance in office from serving on juries, and from military duty. Persons employed about the state prison free from military duty

XXX. *And be it further enacted,* That it shall be lawful for the inspectors of the state prison, by and with the advice and consent of the mayor of the said The inspectors may remove the convicts on urgent occasions.

city of New-York, if in their opinion the approach of an hostile force, or other urgent occasion shall render it expedient, to remove the convicts in the said prison to such place or places of security in the state as they shall judge fit.

They shall make a report annually to the legislature.

XXXI. *And be it further enacted,* That it shall be the duty of the inspectors of the said prison to transmit to the legislature, annually, on or before the third Monday of February, a report, exhibiting a complete and comprehensive view of their transactions during the preceding year; of the number of convicts confined in the said prison, of the various branches of business in which they are employed, and the number of convicts in each branch, and the nett profits, if any, arising therefrom; and shall also in their said report, with the assistance of the attorney-general, or district attorney, propose for the consideration of the legislature such alterations and improvements in the penal laws, or in any of the laws and regulations relative to the said prison, as they may from time to time deem useful and necessary.

They may recommend alterations in the penal laws.

Persons admitted to visit the prison at pleasure.

XXXII. *And be it further enacted,* That the persons authorised to visit and inspect the prison at pleasure, shall be, the governor, lieutenant-governor, members of the legislature, chancellor, judges of the supreme court, and mayor, recorder, and other members of the common council of the city of New-York, attorney-general, district attorney, and such ministers of the gospel as actually reside in the city of New-York, and have charge of a church or congregation therein; And no other person shall be permitted to enter within the walls where the convicts are confined, without a written license, signed by the agent, or one of the inspectors; and every person so permitted, who is not related to the convict, or person visited, and hath not pecuniary or necessary business to transact, shall pay to the agent of the prison twelve and an half cents for such visit, which shall, under the direction of the inspectors, be applied to the purchase of reli-

Fees paid for admittance.

gious books for the use of the convicts. And it shall be the duty of the keeper, to deliver to the clerk a monthly account of all such permits, who shall charge the agent with the amount thereof.

XXXIII. *And be it further enacted,* That the inspectors shall from time to time appoint a resident physician, who shall be lodged and victualled in the prison, and attend daily on the sick : and also such visiting physicians and surgeons as they may deem necessary, subject to such regulations as the board of inspectors may direct. And in case exigencies should require extraordinary services, a reasonable compensation may be made.

A resident physician may be appointed.

XXXIV. *And be it further enacted,* That the inspectors shall be and hereby are authorised to allow to such minister of the gospel as they shall from time to time approve of any sum, annually, not exceeding two hundred and fifty dollars, for performing divine service for the benefit and reformation of the convicts.

Allowance to a minister to perform divine service.

XXXV. *And be it further enacted,* That it shall be the duty of the judges of the supreme court, or such of them as may be present at any of the terms of the supreme court held in the city of New-York, to recommend to the person administering the government of this state for the time being such convicts, other than those who are confined for life, for pardon, as they shall think fit objects of mercy.

The Judges may recommend proper objects for pardon.

XXXVI. *And be it further enacted,* That if any vacancy shall happen in the board of inspectors, during the recess of the council of appointment, it shall be lawful for the person administering the government of this state for the time being, to fill all vacancies by new appointments, until the pleasure of the said council be had in the premises.

Governor may fill vacancies among the directors, in the recess of the council.

CHAP. XL.

An ACT to incorporate the Union Turnpike Company.

Passed May 25, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That

Stacia Beeks
and others
incorporated.

Their style
and corpo-
rate rights.

Provide.

Amount of
stock.

Commission-
ers to receive
subscriptions.

Stacia Beeks, Eleazer Welch, Peter Mills, Elijah Myers, Cyrus Skinner, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the line of the state of New-Jersey, on the lands of John Myers, in the town Minisink, in the county of Orange, running thence on the most direct and eligible route, to the house of Daniel Albertson; on the old Minisink road; thence on the most eligible route and intersect the Montgomery and Minisink turnpike between the lands of Israel Wickman, Esquire, and Thomas Everson, in the county of Orange, so as to promote the interest of the public, and of this corporation; and their successors be, and they are hereby created a body corporate and politic, by the name of the President, Directors and Company of the Union Turnpike Road; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever, in all manner of actions and complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, may consist of six hundred shares of twenty five dollars each, and that Stacia Beeks, Eleazer Welch, Peter Mills, Elijah Myers, and Cyrus Skinner be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th March, 1807.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact, Rates of tolls. and receive, at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length, of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, that is to say, for every waggon, drawn by two horses, mules, or oxen, twelve and an half cents, and three cents for every additional horse, mule, or ox, attached to such waggon; for every cart or other carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox attached to such cart or other carriage, three cents; for every horse and rider six cents; for every chair, sulkey, chaise or other pleasure carriage, with one horse or mule, twelve and an half cents; for every chariot, coach or coachee, or other four-wheeled pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and so in proportion, if drawn by a greater or less number of horses, mules or oxen; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage waggon, drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such stage-waggon.

IV. *And be it further enacted*, That the number of Number of directors. directors for managing the concerns of the said company hereby incorporated shall be five, three of whom shall be a quorum, and capable of managing the business of the said company, and that the said company hereby incorporated, shall have and enjoy all the Privileges. rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies, and shall be subject to all the conditions, restrictions and regulations contained in the said general act, passed the 13th March, 1807: *Provided*, however, that the chord of

the arch of the road hereby authorised to be made, shall not be less than twenty-two feet.

CHAP. XLI.

An ACT *explanatory of the Act, entitled "An Act to repeal the Act entitled an Act for the benefit of Insolvent Debtors and their Creditors."*

Passed May 26th, 1812.

BE. it enacted by the people of the state of New-York, represented in Senate and Assembly, and is hereby declared, That the repeal of the act, entitled "an act for the benefit of insolvent debtors and their creditors," shall not take effect with respect to any person who applied for the benefit of the said act, and obtained an order for giving notice of his application in the mode prescribed in the said act, upon the day upon which the act hereby amended became a law.

CHAP. XLII.

An ACT *for dividing the town of Boyle, in the county of Ontario.*

Passed May 26th, 1812.

I. **B**E. it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in April next, all that part of the town of Boyle, in the county of Ontario, aforesaid, known and distinguished by township number twelve, in the fourth range of townships in said county, is hereby erected into a separate town, by the name of Perrinton; and that the first town meeting shall be held at the house of Cyrus Packard, in said town.

Town of Perrinton created

II. *And be it further enacted,* That all the remaining part of the town of Boyle shall be and remain a separate town, by the name of Boyle; and that the next town meeting shall be where their last annual town meeting was held.

Poor to be apportioned

III. *And be it further enacted,* That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the said towns of Boyle and Perrinton, on notice being first given for

that purpose by the supervisors thereof, shall meet together and divide the money and poor belonging to the town of Boyle previous to the division thereof, agreeable to the last tax list of said town ; and that each of the said towns shall forever thereafter respectively maintain its own poor.

CHAP. XLIII.

An ACT to provide for the due preservation of the Records and Papers in the Office of the Clerk of the Supreme Court in the city of New-York.

Passed May 26, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That the clerk of the supreme court residing in the city of New-York, be and he is hereby authorised to procure at the expense of the state, a sufficient number of boxes and cases to contain all the books, records and papers belonging to or filed in his said office ; such boxes and cases to be made upon such construction, and to be painted, marked and fastened, in such manner as the said clerk shall think proper : and that the said clerk thereupon cause all the aforesaid books, records and papers, or such of them as he shall think necessary, to be properly arranged and deposited in the said boxes and cases for safe keeping.

The clerk of the supreme court in New York to procure boxes to keep records, &c.

The records, &c. to be properly arranged.

II. *And be it further enacted,* That for defraying the expense of procuring such boxes and cases, the treasurer of this state be and he is hereby authorised to pay, upon the warrant of the comptroller, to the said clerk, or his order, out of any monies in the treasury not otherwise appropriated, any sum or sums of money, not exceeding six hundred dollars, for which the said clerk shall be liable to account to the comptroller, according to law.

Expense to be defrayed by the state

CHAP. XLIV.

An ACT for the relief of John Augustus Seaman, an Infant.

Passed May 26th, 1812.

WHEREAS John Augustus Seaman, an infant, of the age of eleven years and five months, by

line between that county and the county of Ulster, has been supposed to run from the northeasterly bounds of great lot number eight, in the Hardenbergh patent, then easterly to the north end of Shens lake, and the same line continued to the west bounds of the town of Kingston, in the said county of Ulster : And whereas it also appears, that by the act entitled " an act to divide the state into counties," the division line between said counties runs from the southwest bounds of said lot number eight, to the north end of Shens lake, which if adhered to would produce great inconvenience to the freeholders and inhabitants residing between the lines aforesaid : for remedy whereof,

Division lines
between Ul-
ster and
Greene coun-
ties altered.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, the division line between the counties of Ulster and Greene, shall begin at the point where the division line between the counties of Ulster and Delaware intersects the line run for the northeasterly bounds of great lot number eight, in the Hardenbergh's patent, thence southeasterly along the said line, until it intersects the line run by Jacob Trembour, junior, in the year one thousand eight hundred and eleven, for the division between the counties of Ulster and Greene, thence along the last mentioned line, easterly, to the west bounds of the town of Kingston, in Ulster county.

Part of Green
annexed to
Ulster.

II. *And be it further enacted,* That all that part of the county of Greene included within the aforesaid lines, and by this act annexed to the county of Ulster, be and the same is hereby annexed to the towns of Shandaken and Woodstock, in the county of Ulster.

CHAP. XLVII.

An ACT to amend an act, entitled " an act to vest certain powers in the freeholders and inhabitants of the village of Poughkeepsie."

Passed May 26th, 1812.

WHEREAS by the petition of the trustees of the village of Poughkeepsie it is represented to the legislature, that the act entitled " an act to vest

certain powers in the freeholders and inhabitants of the village of Poughkeepsie," passed April 8th, 1801, is incompetent for all the purposes therein contained : Therefore,

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the trustees of the said village, or a major part of them, whenever they shall deem it expedient that a street or streets, or a section of a street or streets, should be paved or improved, to call a meeting of the owners of the lots fronting on said street or streets, or section of said street or streets intended to be paved or improved, at some convenient place in the said village, by causing a notice, in which shall be expressed the object of said meeting, under the hands of the said trustees, or a major part of them, to be published for four weeks successively in a public newspaper printed in said village, and a copy of the said notice to be put up at three public places in said village, at least six days previous to said meeting, and the said owners of lots fronting on said street or streets, or section of said street or streets, intended to be paved or improved, or a major part of them in interest (estimating the same by the extent of ground fronting on such street) by themselves or their agents duly authorised as hereafter mentioned, in open meeting voting or assenting to the paving or improving of the same, it shall and may be lawful for the said trustees, and their successors, or a majority of them, to cause a tax, sufficient for the purpose aforesaid, to be assessed, levied and collected, of and from the owners or occupants of all the houses and lots adjoining and fronting on said street or streets, or section of said street or streets, so intended to be paved or improved, in proportion to the number of feet in front which they shall respectively own or possess on said street or streets, or section of said street or streets so intended to be paved or improved, and of the owners or occupants of corner lots, in addition to the above ratio, in proportion to one half of the number of feet in width of the street intersecting at their corner the said street or section of a street so to be paved or improved. *Pro-*

Trustees
may call a
meeting of
owners of lots

Notice to be
published.

Trustees
may lay a tax
on owners of
lots.

vided always, That to authorise the said trustees to levy or collect such tax, it shall be necessary that the owner or owners of at least one half of the land fronting on such street or streets, or section of street or streets so intended to be paved or improved be present at such meeting, and assenting to such paving or improving, either in person, or by his or their agent or agents, by him or them authorised in writing for that purpose. *And provided also*, that if upon the completion of any such paving or improving as aforesaid, it shall appear to the trustees of the said village that a greater sum of money hath been bona fide expended for the same than the sum assessed, levied and collected as aforesaid, it shall then be lawful for the said trustees to cause a further assessment, equal to the excess, to be made and collected in the manner aforesaid: *And further*, in case the sum actually expended shall be less than the sum so assessed and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same was collected, or their legal representatives.

Further assessment may be made

Persons who neglect or refuse to pay the tax.

After public notice thereof.

II. *And be it further enacted*, That whenever any tax shall be assessed according to law, on the freeholders and inhabitants of the said village, and any person or persons on whom or on whose property the same is assessed as aforesaid, shall neglect or refuse to pay the same, and in case goods and chattles of the said person or persons so neglecting or refusing whereon to levy the same cannot be found in the said village, and the person or persons so neglecting or refusing, owning or possessing any lot or lots in said village, it shall and may be lawful for the said trustees, or a major part of them, to cause the same to be published by advertisement, in one of the newspapers printed in the said village, for six weeks successively, thereby requiring the owners or possessors of such lots respectively to pay the said tax to the collector of the said village, on or before a day certain to be therein limited, not less than sixty days from the time of first publishing the said advertisement, and that if default shall be made in such payment, such lot will be sold at public auction, on a day and at a place therein to be spe-

specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the tax assessed thereon as aforesaid, and the charges arising from said advertisement, a copy of which advertisement shall also, in case the owner or owners of such lot or lots shall reside within this state, and his or their place of residence be known to the said trustees, or either of them, be served on such owner or owners, or left at his or their usual place of abode, at least twenty days before the day specified in the said advertisement for the sale of the said lot or lots as aforesaid; and if notwithstanding such notice, the owner or owners, possessor or possessors of such lots shall refuse or neglect to pay such tax, with the charges of advertising the same, and of serving or leaving a copy of such advertisement as above directed, then it shall be lawful for the said trustees to cause the said lot or lots to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, under the common seal of the said trustees, and such purchaser or purchasers, and his or their executors, administrators or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his or their own proper use, against the owner or owners thereof, and all claiming from or under him or them, until his or their term therein shall be fully completed and ended, and shall also be at liberty at any time before the expiration of such term, but not afterwards, to remove all buildings, improvements and materials which he or they shall have erected, made or placed thereon, at the expiration of which term such purchaser or purchasers shall forthwith quit the possession of such lot or lots, and leave the same in as good order and condition as when he or they first took the possession thereof: *Provided always*, That nothing herein contained shall be construed to authorise or permit the sale or disposition of any lot or lots belonging to any person within the age of twenty-one years, feme covert or insane, until the expiration of six months after such disability is removed.

Their lots may be sold for a term of years, to pay the tax.

The purchaser may remove buildings before the end of such term.

III. *And be it further enacted*, That in case any owner or occupant of any lot within the said village, shall refuse or neglect to pay any tax assessed as aforesaid, it shall be lawful for the said trustees, instead of the remedy above provided, to sue for and recover the amount of the same from the owners of such lots, or their legal representatives, with interest and costs, within any court in this state having cognizance thereof, in an action of debt, and the said assessment, with proof of the amount and of the ownership or occupancy of the said lot, shall be sufficient evidence for the plaintiffs in such action.

The trustees may sue and recover the tax.

IV. *And be it further enacted*, That nothing in this act contained, shall affect any agreement between landlord and tenant respecting the payment of any such tax, but they shall be answerable to each other in the same manner as if this act had never been passed.

This act not to affect agreements between landlord and tenant.

V. *And be it further enacted*, That any justice of the peace of the county of Dutchess, residing in the said village of Poughkeepsie, and any freeholder or inhabitant of said village, shall be competent respectively to try, serve as jurors, or give testimony in any case wherein the said trustees are parties, notwithstanding any remote interest they may have in the event of such suit, as members of the corporation of said village.

Justices of the peace in the county or village, competent as jurors or witnesses.

VI. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, to appoint, under the common seal of the corporation of the said village, a sufficient number of men (willing to accept), not exceeding thirty to each fire engine, now provided or hereafter to be provided for the use of the said village, to have the care, management, working and using the said engines, and the other tools and instruments, now or hereafter to be provided for the extinguishing of fires in the said village, which persons so to be appointed, shall be called the firemen of the village of Poughkeepsie, and while they respectively hold their said appointments, shall be entitled to and enjoy all the privileges and exemptions mentioned in

The trustees may appoint firemen.

the thirteenth section of the act hereby amended : *And further*, That the said trustees shall have power to make, ordain and establish such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen, in the frequent working, using and trying of the said engines, tools and other instruments, and to impose such fines and penalties upon such firemen, or any of them, for default in performing the duties thereby to be enjoined or required from them, as the said trustees may think proper, not exceeding the sum of five dollars for any one offence : *And further*, That it shall be lawful for the said trustees to appoint proper officers for the government and direction of the said firemen, and from time to time to remove such of the firemen as they shall deem proper, and appoint others in their stead.

Also to make rules for the government of the firemen.

VII. *And be it further enacted*, That it shall be lawful for the said trustees to make such prudential by laws as they may think proper, to regulate and prevent the selling or exposing to sale within the said village, of any kind of marketable thing, in public market, or from any waggon or other carriage, or in any other manner, on the Sabbath day.

By laws may be made to regulate sales

VIII. *And be it further enacted*, That the said trustees shall have power to fill all vacancies happening by death or otherwise, in their own body, or in any of the offices constituted in the said village by the act hereby amended, and the person or persons appointed by the said trustees to fill any such vacancy or vacancies, shall hold the said appointment until the next annual election in the said village : *And further*, That if at any election of trustees and other officers in the said village, any two or more persons shall have an equal number of votes, the inspectors of said election shall have power to determine which of the said persons so having an equal number of votes, shall be elected.

The trustees may fill vacancies.

IX. *And be it further enacted*, That all fines, forfeitures and penalties imposed by this act, and the act hereby amended, or by any by laws of the said village, made in pursuance of either of the said acts, may be sued for and recovered by the said trustees, in the man-

The trustees may sue for fines, &c.

ner prescribed in the ninth section of the act hereby amended: *And further*, That this act, and the act hereby amended be, and are hereby declared public acts.

CHAP. XLVIII.

An ACT for the Relief of Thomas Belshaw and others.

Passed May 26th, 1812.

WHEREAS Robert McClallen, of the city of Albany, did, on the eleventh day of February, one thousand seven hundred and ninety-five, in pursuance of an act of the legislature of the state of New-York, entitled "an act further to amend an act, entitled "an act for the more speedy sale of the confiscated and forfeited estates within this state, and for other purposes therein mentioned," passed May 1st, 1786, purchase from the people of the state of New-York, all that certain lot, piece or parcel of land, situate in the town of Warren, in the county of Herkimer, known by the name of lot number five, in Henderson's patent, containing one thousand and fifty acres of land, deemed to have become forfeited to the people of the state of New-York, by the attainder of Isaac Low, for which the said Robert McClallen paid to the people of this state the sum of seven hundred and eighty-seven dollars and fifty cents, and received a deed for the same lot of land, from the surveyor-general, pursuant to the provisions of the before-mentioned act, the right to which said lot of land so purchased as aforesaid, afterwards by divers mesne conveyances, became vested in Thomas Belshaw, Josiah Webster, Adam A. Staring, Samuel Williams, William Williams, Frederick Lyman, Gurdon Lathrop and Nathan Starkweather, all of the town of Warren, aforesaid: *And whereas*, it appears to the legislature, that at the time of the attainder of the said Isaac Low, he was seized only of the one equal half part of the said lot of land, and that one Theophilact Bache was seized of the other equal half part of the said lot of land: *And whereas*, it also appears that the assignees of the said Theophilact Bache brought suits in ejectment against the said Thomas Belshaw, Josiah Webster, Adam A. Staring, Samuel Williams, William Williams, Frederick Lyman,

Gurdon Lathrop and Nathan Starkweather, and that they have been compelled to purchase from the said assignees the one equal half part of the said lot of land, at and for the price of two thousand dollars: *And whereas*, the said Thomas Belshaw, Josiah Webster, Adam A. Staring, Samuel Williams, William Williams, Frederick Lyman, Gurdon Lathrop and Nathan Starkweather, have by their petition humbly prayed relief to be granted them in the premises: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the one equal half part of the said consideration money so paid by the said Robert McClallen as aforesaid, for the said lot of land, together with the interest thereon, at six per cent. per annum, from the eleventh day of February, in the year one thousand seven hundred and ninety-five, to the day of passing this act, be paid to the said Thomas Belshaw, Josiah Webster, Adam A. Staring, Samuel Williams, William Williams, Frederick Lyman, Gurdon Lathrop and Nathan Starkweather, and that the comptroller be, and he is hereby authorised and directed to draw his warrant on the treasurer of this state, in favor of each of them, the said Thomas Belshaw, Josiah Webster, Adam A. Staring, Samuel Williams, William Williams, Frederick Lyman, Gurdon Lathrop and Nathan Starkweather, for such proportion of the said sum of money and interest as aforesaid, as his share in the land so recovered by the assignees of the said Theophilactache as aforesaid bears to the whole lands so recovered as aforesaid, and that the treasurer pay the said warrants out of any monies then in the treasury, not otherwise appropriated.

CHAP. XLIX.

An ACT to amend an Act, entitled "*An Act relative to the Estate of Miles Sherbrook, deceased.*"

Passed May 26th, 1812.

WHEREAS, in and by an act of the legislature of the state of New-York, passed March 3d, 1809, entitled "*an act relative to the estate of Miles Sherbrook, deceased*; John Mowatt, junior, is autho-

rised and empowered to sell and convey the lands whereof Miles Sherbrook died seized: *And whereas,* it is represented to the legislature by the said John Mowatt, junior, that divers persons have wrongfully taken possession of some part of the said lands, and refuse to give up the possession thereof, and that trespasses to a very great extent have been committed on the said lands since the death of the said Miles Sherbrook, and that in order to carry into effect the provisions of the before-mentioned act, it is necessary that the said John Mowatt, junior, be authorised to institute suits in ejectment in his own name, as lessor, to recover possession of the said lands, and suits in trespass, in his own name, for trespasses committed on said lands since the death of the said Miles Sherbrook: Therefore.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said John Mowatt, junior, to institute suits in ejectment, in his own name, as lessor, against any person or persons in possession of any of the lands whereof the said Miles Sherbrook died seized, within this state, and to lay the demise as of any day subsequent to the death of the said Miles Sherbrook, and also in his own name to institute suits in trespass for any trespasses done or committed on any part of the said lands since the death of the said Miles Sherbrook, and the same suits in ejectment and trespass to prosecute to judgment and execution, in as full and ample a manner as though he, the said John Mowatt, junior, had been actually seized in his own right of the said lands in fee simple, and the money thence arising to appropriate in the manner directed by the before-mentioned act.

II. *And be it further enacted,* That the said John Mowatt, junior, shall have full power and authority to appoint one or more attornies, for the purpose of carrying into effect the provisions of this act, and the act before-mentioned, and to authorise and empower his said attorney or attornies as his substitute, and under him to convey all or any of the said lands whereof the said Miles Sherbrook died seized, upon the same

terms and conditions as in the before-mentioned act expressed.

CHAP. L.

An ACT to amend the act, entitled “ *An act to establish a turnpike corporation for making and improving a road, beginning at the dwelling-house of Stephen Parsons, in New-Baltimore, in the county of Greene, to intersect the Albany and Delaware turnpike, between the house of John Preston and Jenkins’s mills, in the town of Rensselaerville, in the county of Albany.* ”

Passed May 26, 1812.

WHEREAS the president and directors of the New-Baltimore and Rensselaerville turnpike road, have by their petition, represented to the legislature that they have completed all the said road, and erected good bridges thereon, but that by reason of the dissatisfaction of, and the opposition made by the inhabitants who reside on and contiguous to the eastern and western parts of said road, on account of the western toll-gate thereon, the said president and directors have consented and are willing to give up those parts of the said road, to be made a free public highway : Therefore,

Presumable.

1. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the said road beginning where the same intersects the old state road near the dwelling-house of Coenrad T. Hoghtalip, in the town of New-Baltimore, from thence to the village of New-Baltimore, and also another part of the said road beginning fifty rods west of the place where Peter Shear’s black-smith shop now stands ; from thence to the western extremity of the said road, shall be and the same are hereby declared to be free public highways ; and shall be worked and kept in repair, from and after the passing of this act, in the same manner as other public highways are directed by law to be worked and kept in repair : and that it shall not be lawful for the said president and directors to erect any toll-gate on, or demand

Part of this turnpike declared a public highway.

Remainder of said road vested in the company.

Toll reduced

toll for travelling the before mentioned parts of the said road—and that all the remaining part of the said road, lying between the two before mentioned parts thereof, as the said remaining part now runs, shall continue and remain vested in the said president and directors; and that it shall be lawful for them to demand and receive at the toll-gate erected thereon, the like toll as they are now authorised by law to demand and receive, excepting a reduction of three cents on every cart or waggon drawn by two horses or oxen, and two cents on every sleigh or sled drawn by two horses or oxen.

Time for rendering account to the comptroller extended.

• II. *And be it further enacted*, That the time prescribed by the act hereby amended, for depositing in the office of the comptroller of this state, the accounts hereby required, be and the same is hereby extended two years from and after the passing of this act.

Route of the road to remain as laid out.

III. *And be it further enacted*, That the track or route of the aforesaid road hereby declared to remain vested in the said president and directors, and the courses and distances thereof, as the same is now laid out and worked, shall be and remain the track or route of the said road.

Election held on a. t. Tuesday in May.

Vacancies how to be filled.

IV. *And be it further enacted*, That from and after the fifteenth day of April next, the anniversary day for holding elections for directors by the corporation created by the act hereby amended, shall be the first Tuesday of May, instead of the fifteenth day of April, in each year; and in case it should at any time happen that an election of directors should not be made on the said first Tuesday in May, the said corporation shall not for that cause be deemed to be dissolved; and it shall and may be lawful, on any other day, to hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation: and that whenever any vacancy shall happen among the directors, by death, resignation or removal, such vacancy shall be filled for the remainder of the year by the directors for the time being.

CHAP. LI.

An ACT to incorporate the Washington volunteer Fire Company, in the village of Troy.

Passed May 26, 1812.

WHEREAS Leonard Reed, Jeremiah Dauchy and Russel W. Lewis and others, by their petition presented to the legislature, have represented that they have associated for the purpose of procuring a Fire Engine, by their voluntary contributions, and forming a fire company to protect the property of the inhabitants of the village of Troy from the ravages of fire, and the better to effect the object of their association, have prayed to be incorporated: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the said Leonard Reed, Jeremiah Dauchy and Russell W. Lewis and their associates, be and are hereby constituted a body politic and corporate, by the name and description of the Washington Volunteer Fire Company; and by that name shall have perpetual succession, sue and be sued, defend and be defended, in all actions, matters and things whatsoever; have a common seal, and change the same at pleasure, purchase, take, hold and convey any estate real or personal: *Provided* such estate, at the time of acquiring the same, shall not exceed in value the sum of one thousand five hundred dollars, and shall be necessary to effect the object of said incorporation, and shall have power and authority, from time to time, to pass, make and ordain all such by-laws and ordinances for regulating the concerns of the said company, the conduct and duty of their members, officers, agents and servants respectively, the manner of making transfers of the stock of said company, convening and holding meetings of said company, and all other matters relative to the same company, and the management of the property thereof, as to them seem proper, and shall not be inconsistent with the constitution and laws of this state, or of the United States; that the stock of said company shall be deemed personal property, and shall consist of twenty-five shares, of sixty-two dollars

Preamble.

L. Reed and others incorporated.

Style and corporate rights.

Stock deemed personal property.

No amount. and fifty cents each ; and one share and no more of the same shall be owned and held by each of the members of said company, and be paid into the hands of the treasurer of said company, in such proportions and at such times as the majority of the members of the said company, at any meeting of said company, shall determine, and require, upon pain of forfeiture of such share and all previous payments thereon ; that said shares shall be transferable, but no member of said company shall transfer the share by him held in the stock of said company, except to some person who shall be approved of by a majority of the members of said company, at a public meeting of said company, and the person to whom the same is so transferred shall, by virtue of such transfer, become and be a member of said company, in the room and stead of the person so transferring the same, which transfer shall be duly recorded in a book for that purpose, to be kept by the secretary of said company.

Company to consist of 25 members. II. *And be it further enacted,* That the said volunteer fire company shall consist of twenty-five members and no more, who shall reside in the village of Troy, and while they continue members of the same company, shall be exempted from serving in the militia.

Captain appointed yearly. III. *And be it further enacted,* That the several members of said company shall annually, on the first Tuesday of May, in each year, at such place in the village of Troy, as the majority of them shall direct, by plurality of votes; elect one of their members to be the captain of the said company ; one other of their members to be treasurer ; and one other of their members to be secretary of said company, who shall severally continue in office for one year, and the captain so chosen, shall have power to call meetings of the said company whenever he shall think proper, for any purposes connected with the objects of said corporation.

Also a treasurer and secretary. IV. *And be it further enacted,* That the said volunteer fire company shall, in time of fire, be subject to and regulated by the by-laws of the trustees of the village of Troy, made to regulate the duty and conduct of the several fire companies of said village.

In time of fire the company subject to by-laws of the trustees of Troy.

V. *And be it further enacted*, That the grant, provisions and every thing in this act contained, are upon the express condition that the said Washington volunteer fire company shall and do at their own expense on or before the first day of September next, procure and keep in the village of Troy, a good and sufficient fire engine, with its necessary tackle and apparatus, to aid in the extinguishment or prevention of such fires as may happen in said village; and in case the same company shall not procure such fire engine before said day, or shall not for the space of six months at any time, have and possess, at some suitable place in said village, a good and sufficient fire engine with its necessary tackle and apparatus, in good and sufficient repair, prepared to aid in the extinguishment of such fires as may happen in said village, the said incorporation shall be *ipso facto* dissolved, and the powers, privileges and exemptions hereby granted, cease and be null and void, any thing in this act to the contrary contained notwithstanding.

Company to procure an engine & tackle at their own expense.

Otherwise this act to be void.

Captain's certificate evidence of being a member.

VI. *And be it further enacted*, That a certificate under the common seal of said company, signed by the captain thereof, shall be deemed and taken in all places as competent evidence that the person to whom it is given is a member of said company, and entitled to all the privileges and exemptions in and by this act granted to the members of the same company.

CHAP. LII.

An ACT for dividing the town of Bloomfield, in the county of Ontario, into three towns.

Passed May 26, 1812.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That from and after the first Monday in April next, all that part of the town of Bloomfield, in the county of Ontario aforesaid, known and distinguished by township number eleven, in the fourth range of townships, be and is hereby erected into a separate town, by the name Victor; and the first town meeting in said town of Victor, shall be held at the public meeting-

Town of Victor erected.

Mendon e-
rected.

house in said town, and that all that part of the said town of Bloomfield, known and distinguished by township number eleven, in the fifth range of townships, be and is hereby erected into a separate town, by the name of Mendon, and the first town meeting shall be held at the dwelling-house of Thomas Ewer, in said town; and that all the remaining part of the town of Bloomfield, shall be and remain a separate town by the name of Bloomfield; and the annual town meetings in said town shall be held alternately at the meeting-houses in the villages of East and West Bloomfield, (so called,) and that the first annual town meeting hereafter shall be held at the meeting-house in East-Bloomfield, any law, usage or custom to the contrary notwithstanding.

Poor & poor
money divid-
ed.

II. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the towns aforesaid, on notice being first given for that purpose, by the supervisors thereof, shall meet together and apportion the poor maintained by the said town of Bloomfield, and the poor money belonging to the same previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall forever thereafter support their own poor.

CHAP. LIII.

An ACT for the relief of Thomas M'Knight.

Passed May 26, 1812.

WHEREAS Sally M'Knight, wife of Thomas M'Knight, was entitled as one of the heirs of Billy Trowbridge, deceased, to a tract of land in the town of Carmel, in Dutchess county, containing about fourteen acres, which land the said Thomas M'Knight in the life-time of his wife, contracted to sell to Eliphalet Hulf and Samuel S. Myrick, and executed a bond to convey the same when his said wife should arrive at lawful age, and received part of the purchase money for said land: *And whereas*, The said Sally M'Knight has since died, leaving one infant heir, and it is thereby rendered impossible for the said Thomas

M'Knight to make a title to said purchase or obtain the residue of the consideration for said land, or the maintenance and education of said infant heir without legislative aid in the premises: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Thomas M'Knight be, and is hereby empowered to convey in fee simple to the purchasers thereof, the real estate whereof his late wife Sally M'Knight died seised, under the order of the chancellor of this state for that purpose, and on his giving a bond with sufficient sureties in such sum as the chancellor shall direct, to apply the income of the monies arising from the sale thereof, and not received in the life-time of his said wife, in the support and education of his infant heir, and to render an account of the application thereof, and to pay the principal thereof so remaining unpaid as aforesaid, on the said infant's attaining the age of twenty-one years.

CHAP. LIV.

An ACT in addition to an act, entitled "*an act to raise money to build a bridge across Genesee river.*"

Passed May 26, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the board of supervisors in each of the counties of Ontario and Genesee, be and they are hereby authorised and required at their next annual meeting in each county respectively, to direct to be raised, levied and paid over, such sum or sums of money, not exceeding the sum of one thousand dollars in each of said counties, as shall be necessary to complete the bridge over Genesee river, between the towns of Boyle and Northampton.

Supervisors
of Ontario &
Genesee di-
rected to
raise money
by tax.

And be it further enacted, That the boards of supervisors of the counties of Ontario and Genesee respectively, are hereby authorised to appoint a joint committee to audit and settle with the commissioners pointed for building the bridge across Genesee river, at the falls thereof, vesting the said boards with

Joint com-
mittee ap-
pointed.

Commission-
ers to give
bonds.

power to give the said committee all necessary instructions to examine, audit and settle as aforesaid, all accounts of the said commissioners relative to expenditure of monies upon said bridge: and to appoint commissioners in their stead, to superintend the completion of the same, if in their own opinion the interests of the counties require it, which said commissioners shall give bonds, in the same manner as is required by the fourth section of an act, entitled "an act to raise monies to build a bridge across Genesee river," passed the thirtieth of March, one thousand eight hundred and nine, and account in the manner as is directed in the fifth section of said act.

Supervisors
to meet 2d
Tuesday in
May.

III. *And be it further enacted*, That for the purpose of carrying the second section of this act into effect, the boards of supervisors of the counties of Ontario and Genesee are hereby directed to meet at the court house in their respective counties on the second Tuesday of May next.

CHAP. LV.

An ACT to incorporate the Albany Lancaster School Society.

Passed May 26, 1812.

WHEREAS Philip S. Van Rensselaer, John Lansing, junior, Simeon De Witt, and others, have associated themselves for the laudable purpose of establishing a school in the city of Albany, for the diffusion of a common education: and whereas the said persons have presented a petition to the legislature setting forth the benefits that would result to society from such an institution, by implanting in the minds of children the principles of religion and morality, and by assisting their parents in providing suitable situations for them, where habits of industry and virtue may be acquired: and that it would enable them more effectually to accomplish the benevolent objects of the institution, if their association were incorporated: Therefore,

Philip S. Van
Rensselaer &
others incor-
porated.

I. *Be it enacted by the people of the state of New York, represented in senate and assembly*, That Phi-

S. Van Rensselaer, John Lansing, junior, Simeon De Witt, and all such other persons as now are, or shall hereafter become members of the said society, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of The Albany Lancaster School Society : and by that name they and their successors, forever hereafter, shall and may have succession, and by that name shall and may be persons in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever : and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and that they and their successors, by their said name, shall be forever capable in law to purchase, take, receive, hold and enjoy, any estate, real or personal, whatsoever, of what nature and quality soever, to the use of them and their successors. *Provided always,* Their style or corporate rights. that the yearly income of the real and personal estate and hereditaments held by the said corporation do not nor shall not at any time exceed the sum of five thousand dollars ; and that they and their successors shall have full power and authority to lease such real estate and hereditaments, on such terms as they shall judge most beneficial ; and also to dispose of all such personal estate at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purposes of the said institution. Previous.

II. *And be it further enacted,* That there shall be, forever hereafter, thirteen trustees of the said corporation, who shall conduct and manage all the affairs thereof ; and that the said trustees shall be members of the said corporation : and the first trustees of the said corporation shall be, Philip S. Van Rensselaer, Simeon De Witt, Stephen Van Rensselaer, Elisha Jenkins, Number of trustees. Chibald Mc Intyre, John M. Bradford, William Hill, Timothy Clowes, John Mc Jimpsey, John Lansing, junior, James Kent, John V. Henry, and Charles R. Webster, who shall hold their offices until First trustees first Monday of February next : and the trustees

of the said corporation for the time being shall have power to establish one or more schools in the city of Albany for the purposes aforesaid, whenever the members of the said corporation, at any quarterly meeting, by a majority of them, shall judge it expedient, for the more fully extending the benefits of education, agreeably to the benevolent design of the said corporation.

And for keeping up the succession in the said offices,

Yearly meeting to be on first Monday of February,

III. *Be it further enacted*, That on the first Monday of February next ensuing, and yearly and every year

Trustees how elected.

forever thereafter, on the first Monday of February, there shall be a general meeting of the members of the said corporation, who shall meet at some convenient place in the said city of Albany, to be fixed by the bye laws of the said corporation, and there by a majority of such of them as shall so meet shall by ballot elect thirteen of their members to be trustees of the said corporation for the year then next ensuing. And the said trustees shall have power to choose, out of their own number, a president, a vice-president, a treasurer, and a secretary, who shall immediately enter on their said offices, and hold the same, from the time of such election, for and during the space of one year, and until others be elected in their stead. And in case of any of the persons so elected to be trustees of the said corporation, or who shall thereafter be elected thereto, shall die or resign before the time of their appointed service expires, or shall refuse or neglect to act in and execute the said office, then, and in every such case, the remaining trustees of the said corporation shall, within thirty days thereafter, by ballot, elect another or others of the members of the said corporation, in the stead of him or them so dying, resigning, refusing or neglecting to act : and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the first Monday in February then next ensuing, and until another or others shall be chosen in his or their stead. *Provided always, and be it further enacted*, that at each first meeting of the said trustees, after every annual election of trustees it shall be in

Vacancies how filled.

Provido.

their discretion to appoint, out of the members of the said corporation, an additional number of trustees, not exceeding five.

IV. *And be it further enacted,* That the trustees of the said corporation shall regularly meet on the second Monday in every month, and at such other times as they may judge proper and expedient, and that seven or more of the said trustees so met shall forever hereafter be a legal meeting of the said corporation; and that at any and every such meeting, it shall be lawful for them, or a majority of them, to make all such bye laws, rules and regulations, for the government and regulation of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation as they may deem requisite to promote the design and intent of establishing this corporation, and the same or any part of them to alter, amend or repeal, from time to time, as they, or a major part of them, may think fit; and shall have power, whenever they may judge it necessary, to call a general meeting of the members of the said corporation, who may adjourn from time to time, as to them shall seem proper.

Trustees to meet on the second Monday in every month.

A majority of trustees may make bye laws.

V. *And be it further enacted,* That the said trustees, at a stated meeting, shall and may nominate and appoint one or more teachers or instructors to take charge of the school or schools under the care and direction of the said corporation, and also appoint such other officers or servants as they may think necessary, and to allow and fix their respective compensations, and such teachers, instructors, officers or servants, or any of them, at their pleasure to dismiss and discharge, and another or others in their stead to appoint.

The trustees may appoint teachers.

VI. *And be it further enacted,* That the mayor, recorder, aldermen and assistants of the city of Albany, shall and may be, by virtue of their respective offices, members of the said corporation. And that any person who shall contribute to the benefit of the said society the sum of twenty five dollars, and be elected by a majority of the said trustees, shall be a member of the said corporation, and shall be further entitled, and during the life of such contributor, to send one child to be

Members of the corporation of the city of Albany shall be members of this society.

Privileges granted to persons contributing to the society.

educated gratuitously, at any school under the care and direction of the said corporation; subject however to such bye laws, rules and regulations, as shall and may be prescribed by the said corporation.

Trustees to
make an an-
nual report
to the society

VII. *And be it further enacted*, That it shall be the duty of the trustees of the said corporation to report annually to the general meeting of the members of the said corporation, on the first Monday in February in every year, a particular account of the state of the school or schools under their care, and of the monies received and expended by them during the preceding year, so as to exhibit a full and perfect statement of the property, funds and affairs of the said corporation.

This a pub-
lic act.

VIII. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed benignly and favorably, for every beneficial purpose hereby intended; nor shall any nonuser of the privileges hereby granted to the said corporation create or produce any forfeiture of the same. And no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise, or other instrument of contract or conveyance, shall defeat or vitiate the same, provided the corporation be sufficiently described to ascertain the intention of the parties.

500 dollars
allowed an-
nually for the
use of the so-
ciety.

IX. *And be it further enacted*, That out of the monies arising from the operation of the sixth section of the act, entitled "an act concerning the city of Albany," passed April 3d, 1802, and which shall be received by the mayor of the city of Albany, there shall be paid to the said trustees, on the second Tuesday of May next, the sum of five hundred dollars, and every year thereafter, on the second Tuesday of May, the like sum, for the purpose of promoting the benevolent objects of this corporation, until the legislature shall otherwise determine.

CHAP. LVI.

An ACT to repeal part of the act, entitled "an act directing the manner of appointing Electors for the election of a President and Vice-President of the United States."

Passed May 26th, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That so much of the act, entitled "an act directing the manner of appointing electors for the election of a president and vice-president of the United States," as directs, that the said electors shall meet and give their votes at the city of Hudson, in the county of Columbia, be and the same is hereby repealed.

II. And be it further enacted, That at every such election, the said electors shall meet and give their votes at the capitol in the city of Albany, at the time, and in the manner, directed in and by the said act hereby in part repealed.

CHAP. LVII.

An ACT to provide for building a Court House and Gaol in the County of Essex, and for other purposes.

Passed May 26, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Essex shall cause to be raised, in the same manner as the contingent charges of said county are assessed, levied and collected, the sum of two thousand five hundred dollars, together with the usual fees of the collector and treasurer for collecting and paying the same, to be applied towards building and completing the court house and gaol in said county, on or near its late foundation, in Elizabethtown, in said county.

The supervisors of Essex county to raise money by tax.

And be it further enacted, That Manoah Miller, Thomas Ross, and Delevan Delancey, be appointed commissioners to superintend the building of the said court house and gaol in said county.

Commissioners.

Commissioners to be repaid if they advance money.

III. *And be it further enacted*, That if the said commissioners, or a major part of them, shall expend any monies for materials provided, or work done to said court house and gaol, before the said tax shall be levied and collected, such monies, with the interest thereof, shall be paid out of the first monies so to be collected.

They may draw on the county treasurer from time to time.

IV. *And be it further enacted*, That the said commissioners, or a major part of them, may from time to time draw upon the treasurer of the said county for all monies to be received by him under this act, or any part thereof, his fees excepted, and the said treasurer is hereby directed to discharge such order or orders, as far forth as he has monies in his hands for such purposes; and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies to be drawn on their order as aforesaid, when thereunto required. *Provided*

Proviso.

Title to the land for the site of court house to be determined.

however, that nothing herein contained shall be held or construed to authorise the said supervisors to raise and levy more than twelve hundred and fifty dollars in one year. And it shall be the duty of said commissioners to determine as to the title of the land on which said court house shall be built. And if on such enquiry the said commissioners should find, that the title of the land whereon the court house heretofore stood is doubtful, then and in such case the said commissioners are hereby authorised to purchase such other lot of ground as they may deem proper, not exceeding one half acre, within sixty rods of the former foundation of the court house in the town of Elizabeth, for the site of the court house in said county.

CHAP. LVIII.

An ACT for the Relief of Simon Hosack.

Passed May 26, 1812.

WHEREAS, by an act, entitled "an act for the purpose therein mentioned," passed 9th April, 1811, the deed heretofore executed by the trustees of the presbyterian church, in Johnstown, in the county of Montgomery, for lot number thirty-six, in

the village of Johnstown, is declared to be valid to all intents and purposes, so as to vest in the said Simon Hosack, his heirs and assigns, an estate in fee in the said land: *And whereas*, by mistake, lot number thirty-six, was inserted in the said act, instead of lot number forty-six, the lot intended to be confirmed to the said Simon Hosack.

BE it therefore enacted by the people of the state of New-York, represented in senate and assembly, That the deed above mentioned shall be deemed valid to all intents and purposes, so as to vest in the said Simon Hosack, his heirs and assigns, an estate in fee, in the said lot number forty-six, in the village of Johnstown.

CHAP. LIX.

An ACT to establish the place of holding Courts in the county of Greene.

Passed May 26th, 1812.

WHEREAS, Ira Day, Isaac Dubois, Orin Day, Joseph Klien, Ezra Hawley and Lyman Hall, have executed a bond to the supervisors of the county of Greene, binding themselves in the penalty of sixteen thousand dollars, to procure a lot in the village of Catskill, and to build a house thereon for the accommodation and holding of the courts of the said county, and to convey the said house and lot to the said county in fee simple: *Provided*, That a law should be passed authorising the courts of the said county to be held in the said house when completed: Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That if the said Ira Day, Joseph Klien, Isaac Dubois, Orin Day, Ezra Hawley and Lyman Hall, shall procure a lot of such dimensions, and in such part of the said village as shall be approved of by the judges of the court of common pleas of the said county for the time being, or the major part of them, and shall build thereon a house suitable and convenient for the holding of the courts of the said county, of such dimensions, and finished in such manner as shall be approved of by the judges aforesaid or the major part of them, and shall convey the

same to the said county in fee simple; that then the said house shall thereafter be the court-house of the said county: *Provided nevertheless*, That if the said house shall not be completed and conveyed, together with the said lot, to the said county as aforesaid, within eighteen months after the passing of this act, then the same shall be void.

CHAP. LX.

An ACT *establishing a Ferry across Lake Champlain, in the town of Ticonderoga, in the county of Essex.*

Passed May 26, 1812.

Peter Deall
authorized to
keep a ferry.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Peter Deall, of the town of Ticonderoga aforesaid, and his assigns, to set up, keep and maintain a ferry across lake Champlain, from the land or farm of the said Peter Deall, in the said town of Ticonderoga, to the town of Shoreham, in the state of Vermont, for and during the term of six years, to be computed from the first day of August next.

To erect a
dock for the
accommodation
of the
ferry.

II. *And be it further enacted*, That if the said Peter Deall or his assigns, shall set up a ferry as aforesaid, then it shall be their duty, and they are hereby required to erect a convenient dock or landing place, if not already erected, on such part of the land of the said Peter Deall as shall be most suitable for the purpose, and shall during the time aforesaid keep, maintain and support suitable and safe ferry-boats, capable and sufficient for carrying carriages, horses, cattle and passengers, and ready at all reasonable times and seasons to transport and ferry across said lake, persons, goods and chattles.

Rates of fer-
riage, how re-
gulated,

I. *And be it further enacted*, That the court of common pleas of the county of Essex, in their sessions, shall and may, and are hereby directed annually, during the continuance of this act, to order, direct and determine the several rates of ferriage, and hours of the day that boats shall be kept in readiness belonging to said ferry.

IV. *And be it further enacted*, That if the said Peter Deall, or his assigns, or any ferryman or other person employed by him shall take, exact or receive, any greater or higher rates of ferriage for transporting goods and chattles or other things whatsoever than shall be so allowed by the said court of common pleas, the person so offending shall forfeit and pay for every such offence, the sum of five dollars, to be recovered with costs of suit, before any justice of the peace within this state, by any person who shall sue for the same.

Penalty for taking excessive rates.

V. *And be it further enacted*, That if any other person or persons shall, after the first day of August next, set up, keep or maintain any ferry, or shall carry or transport any person, goods or chattels, for hire or pay, across said lake, from any place on the west side or shore of the same, within one half mile north or south of the now dwelling house of the said Peter Deall, every such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit, in any court within this state having cognizance thereof, by any person who shall sue and prosecute for the same: *Provided*, That nothing in this act contained shall be deemed or taken to prevent any person or persons who reside within the limits aforesaid and adjoining the said lake, from the right of making use of their own boats and transporting themselves and property across the same at their pleasure.

Penalty on any other person setting up a ferry.

VI. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the county of Essex, that the said Peter Deall or his assigns shall, willfully and knowingly, neglect to comply with the directions or restrictions of this act, in keeping and maintaining the ferry as aforesaid, to adjudge and declare, that all the privileges granted to him by virtue thereof, shall cease and be of no effect.

This act to be void if the ferry be not well maintained.

CHAP. LXI.

An ACT authorising Allyn Turner to build a toll bridge across Schoharie Creek.

Passed May 26th, 1812.

Allyn Turner authorized to build a toll bridge across Schoharie creek.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Allyn Turner, his heirs or assigns, may construct a bridge across the Schoharie Creek, in the town of Blenheim, between the points at which the bounds of the township of Blenheim terminate on the said creek, south of the north bounds of Buffington and Morrison's patent, on the said creek, of a breadth not less than sixteen feet, well railed, and of sufficient strength to admit of a safe and convenient passage across the same with teams and carriages of any description; and that whenever the said bridge, and the road hereinafter described, shall have been completed, the said Allyn Turner, his heirs or assigns, may erect a gate on the said bridge, and thereat take and exact, *Rates of toll.* for the term of thirty years, for passing the same, a toll not exceeding the following sums, that is to say; for every waggon, cart, or other carriage, drawn by two horses, mules, or oxen, twelve and an half cents, and three cents for every additional horse, mule, or ox, attached to such waggon, cart, or other carriage; for every horse and rider, four cents; for every horse, mule, ox, or cow, led or driven, two cents; for every cart, drawn by one of the aforesaid animals, six cents; for every chariot, coach, coachee, phaeton, or other four wheel pleasure carriage, twenty-five cents; for every chair, chaise, sulkey, or other two wheel pleasure carriage, twelve and an half cents; for every sled or sleigh drawn by two horses, mules or oxen, six cents; and in that proportion for a greater or less number; for every score of sheep or hogs, eight cents; for every foot passenger, two cents: *Provided,* That every foot passenger, being an inhabitant within one mile of the said bridge, shall be exempt from such toll.

Proviso.

Allyn Turner to make a certain piece of road.

II. *And be it further enacted,* That the said Allyn Turner, his heirs or assigns, shall form a road of at least the breadth of fourteen feet, between the ditches

thereof, properly arched, and well covered with stone, gravel, or other durable hard material, of an even surface, extending from the said bridge one mile on the west side of the said Schoharie creek, and two miles on the east side thereof, communicating with such bridge, and keep the same in good and sufficient repair during the time aforesaid.

III: *And be it further enacted*, That in case the said bridge and road shall not be erected and completed within the term of four years from the passing of this act, or the said bridge or road shall be out of repair for six months successively, or if it shall be necessary to rebuild the said bridge, and the said Allyn Turner, his heirs or assigns, shall neglect to rebuild the same for the term of eighteen months from the time it becomes so necessary, then, and in every of those cases, this act to be void : *Provided*, That no land shall be appropriated for any of the said purposes without the consent of the owner thereof first had and obtained.

This act to be void if the bridge is not completed in four years.

Proviso.

CHAP. LXII.

An ACT to authorise the Sale of certain public property in the city of New-York.

Passed May 26th, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller is hereby authorised to sell and convey in fee simple, all the right, title and interest of the people of this state in and to the government house and the grounds adjoining, in the city of New-York, to the mayor, aldermen and commonalty of the said city, for a sum not less than fifty thousand dollars, and to receive in payment therefor, the bond of the said mayor, aldermen and commonalty, payable in ten years, with interest annually, at the rate of six per centum : *Provided always*. That the said corporation shall not have the right of selling the said grounds for the erection of private buildings, or other individual purposes.

LXIII.

An ACT to amend an Act, entitled "*An Act to incorporate Medical Societies for the purpose of regulating the practice of Physic and Surgery in this State.*"

Passed May 26, 1812.

Students receiving state diplomas to pay 10 dolls.

For county diplomas 5 dolls.

Proviso.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That any student who may receive a diploma from the medical society of the state, shall pay to the president thereof, on receiving the same, ten dollars; and for each diploma that a student may receive from the medical society of any county, he shall pay to the president thereof, on receiving the same, five dollars: *Provided*, That the students who have been examined, and are entitled to receive diplomas, but who have not received the same, shall not pay therefor more than is required by the act hereby amended.

Eminent physicians may be chosen as permanent members of the state society.

Proviso.

II. *And be it further enacted*, That the medical society of the state may elect by ballot, at their annual meetings, eminent and respectable physicians and surgeons, residing in any part of the state; which persons, so elected, shall be permanent members of the society, and entitled to all the privileges of the same: *Provided*, That not more than two such members shall be elected in any one year, and that they receive no compensation for their attendance from the funds of the society.

Practitioners not regularly licensed to pay 5 dolls. fine for each offence.

Proviso.

III. *And be it further enacted*, That any person who shall practice physic or surgery without being regularly licensed, shall forfeit and pay twenty-five dollars for each offence of which he may be duly convicted, in pursuance of the act hereby amended; and the justice before whom such conviction may be had, shall pay the same to the treasurer of the medical society of the county where such conviction shall be had: *Provided*, The person so practising without licence, who shall not receive any fee or reward for the same, shall be exempt from the penalty of this act.

IV. *And be it further enacted*, That all persons who may be hereafter licenced to practice physic and surgery, shall deposit a copy of such licence with the clerk of the county in which such practitioner may reside; and until such licence shall be so deposited, those practitioners who may neglect the same shall be liable to the penalty of this act in the same manner as if they had no such licence; and it shall be the duty of the clerk to file such licence in his office, for each of which he shall receive twelve and an half cents, and no more, from the practitioners who may deposit the same.

Persons li-
cenced to de-
posit a copy
of such li-
cence in the
county
clerk's office
where he re-
sides.

CHAP. LXIV.

An ACT to incorporate the Stockholders of the Bank of Utica.

Passed June 1, 1812.

WHEREAS James S. Kip, Solomon Wolcott, Thomas Skinner, Thomas Walker and others, associated as a company, under the style of the Bank of Utica, by their petition preferred to the legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all such persons as shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of June, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of the president, directors and company of the bank of Utica, and by that name they and their successors, until that day, may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors,

Stockholders
incorporated
for a limited
time.

Their style
and powers.

by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided further*, That the said bank shall be established in the village of Utica, and that its operations of discount and deposit shall be carried on in the said village of Utica, and not elsewhere: *And further*, That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Capital stock

II. *And be it further enacted*, That the capital stock of the said corporation, including what may be subscribed on the part of this state, shall not exceed one million of dollars, and that a share in said stock shall be one hundred dollars, and that subscriptions shall be kept open under the direction of the president and directors until the number of shares subscribed shall amount to eight thousand shares, and that the state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole two thousand shares, at any time when by law the same shall be directed, which shall be paid for in such proportions, and at such times, as shall be provided by the bye-laws of the said corporation; and the Governor of this state for the time being, by and with the advice and consent of the council of appointment, may appoint two persons to be directors of the said bank, in addition to the number of directors herein after limited, and whose duty it shall be to furnish to the person

The state
may sub-
scribe 2000
shares.

Two direc-
tors may be
appointed by
the Govern-
or and coun-
cil.

administering the government of this state as often as he may require, a statement of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein, and of the notes in circulation, and the cash on hand.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, to be appointed and chosen in manner hereafter mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places. The election for directors shall be held on the first Monday of November in each year, at such time of day, and at such place, within the village of Utica, as a majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding said elections, by an advertisement to be inserted in one or more of the public newspapers printed within the county of Oneida. The said election shall be made by the stockholders in the said corporation, either in person or by proxy, and all elections for directors shall be by ballot; each stockholder shall be entitled to a number of votes which he or she shall have held in his or her name at least thirty days previous to the time of voting, according to the following ratio, that is to say, at the rate of one vote for every share not exceeding twenty, and one vote for every five shares above twenty and not exceeding fifty, and one vote for every ten shares above fifty; and the thirteen persons who shall have the greatest number of votes as aforesaid shall be directors; and if it should happen at any election that two or more persons elected as aforesaid shall have an equal number of votes, then the directors in office at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected: and the directors, as soon as may be thereafter, shall proceed by ballot to elect one of their num-

13 directors
to manage
the affairs of
the company

Elections
when and
how to be
held.

President to
be elected.

Vacancies
how to be
filled.

First direc-
tors.

Corporation
not dissolved
for not hold-
ing election
on a certain
day.

The direc-
tors may
make bye-
laws, &c.

ber to be their president; and if any director, living in the village of Utica, shall remove out of the same, his office shall be considered as vacant; and all vacancies in the direction shall be filled for the remainder of the year in which they shall happen, by such persons or persons as the remainder of the directors, or a majority of them, shall appoint; and the first directors shall be James S. Kip, Solomon Wolcott, Thomas Skinner, Thomas Walker, Henry Huntington, Nathan Smith, Francis A. Bloodgood, Ephraim Hart, Apollos Cooper, David W. Childs, Marcus Hitchcock, Samuel Stocking and John Bellinger, who shall hold their offices respectively until the first Monday of November, in the year of our Lord one thousand eight hundred and thirteen.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make an election of directors, according to the bye-laws and regulations of the said corporation.

V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such bye-laws, orders, rules and regulations, as to them shall appear needful, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, and with such salaries and allowances as to them shall seem meet: *Provided*, That such bye-laws, orders, rules and regulations, be not repugnant to the constitution and laws of this state or of the United States.

VI. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books to be kept for that purpose by the directors; and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such persons.

Transfer of stock not valid until registered.

VII. *And be it further enacted*, That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall in their individual and private capacities be liable for such excess, and the estate of the said corporation shall likewise be liable therefor.

Debts limited

VIII. *And be it further enacted*. That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bills obligatory, &c. assignable.

IX. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and

Shares forfeited for non-payment of calls.

demand of the stockholders respectively all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said company, always, however, giving sixty days previous notice of such call and demand, in one or more of the newspapers published as aforesaid.

The directors to make half-yearly dividends.

X. *And be it further enacted*, That it shall be the duty of the directors to make half-yearly dividends of so much of the profits of the said bank as they, or a majority of them, shall deem advisable; and that the said corporation shall not demand any greater interest on a loan or discount, for a term not exceeding sixty days, than at the rate of six per centum per annum, and that no director shall be entitled to receive any emolument for his services.

This act not to be forfeited by non-user.

XI. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever at any time before the first Tuesday of February next, and it shall on that day be lawful for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

This is a public act.

XII. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever.

CHAP. LXV.

An ACT to incorporate the *Ulster lead mining and manufacturing company*.

Passed June 1, 1812.

WHEREAS Abraham G. Thompson, Sullivan Moulton, John Titus, J. C. Vanden Heuvel, Peter Schermerhorn, jun. Thomas C. Peasall, Abraham Schermerhorn, Richard Bruce and Samuel Clement, in behalf of themselves and their associates, have by their petition set forth, that Abraham G.

Thompson and Sullivan Moulton, two of them are proprietors by lease (forty-one years of which are yet unexpired,) of a certain piece of land in the county of Ulster, in the state of New-York, containing a lead mine, and have full right, by virtue thereof, to work the said mine, and have requested the legislature to pass an act incorporating the said petitioners and their associates, for the purpose of enabling them to work the said mine, and any other they may hereafter possess in the said county, and manufacturing the ores thereof to advantage : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the said Abraham G. Thompson, Sullivan Moulton, John Titus, J. C. Vanden Heuvel, Peter Schermerhorn, junior, Thomas C. Pearsall, Abraham Schermerhorn, Richard Bruce, Samuel Clement, and such persons as shall hereafter be associated with them for that purpose, and their successors, be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in a name, by the name of "The President and Directors of the Ulster Lead Mining and Manufacturing Company," and by that name they and their successors, for forty-two years hereafter, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "the president and directors of the Ulster lead mining and manufacturing company," shall in law be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandises whatsoever, necessary or beneficial to the objects of this corporation.

Abraham G. Thompson and others incorporated

Name of the corporation and its duration.

May hold real estate under certain restrictions.

II. *And be it further enacted,* That the stock, property and concerns of the said corporation shall be managed and conducted by directors, who shall be an-

Their affairs to be managed by directors to be annually elected.

nually elected on the first Monday in January, at such time of the day, and at such place, in the city of New-York, in the state aforesaid, as the bye-laws of said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than ten days previous thereto, in one of the public newspapers printed in the said city; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy: and all elections shall be by ballot, each share in the stock having one vote, and the persons having the greatest number of votes shall be the directors; and whenever any vacancy shall happen among the directors by death, resignation or removal out of the state, such vacancy shall be filled for the remainder of the year by the remainder of the board for the time being: *Provided always*, That the number of directors shall not exceed eight persons, and the persons so elected shall be stockholders in said corporation.

Vacancies in the direction how filled.

Number of directors not to exceed 8.

Election may be made on a day other than that above appointed.

III. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day when, pursuant to this act, it ought to have been done, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Capital not to exceed 200,000 dolls.

A share to be \$9 dolls.

Shares forfeited for non-payment of calls

IV. *And be it further enacted*, That the capital stock of the said corporation shall not exceed one hundred thousand dollars, and that a share of the said stock shall be fifty dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportion as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to be made; and thirty days previous notice of such call and demand shall have been

published in one of the newspapers printed in the city of New-York as aforesaid.

V. *And be it further enacted*, That the directors for the time being shall have power to make and prescribe such bye-laws, rules and regulations, as shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties of the officers, artificers and servants by them employed, the election of directors, and all such matters as appertain to the concerns of the said corporation ; to appoint such and so many officers, clerks and servants, for carrying on the business of the said company, and with such allowances and salaries as to them shall seem meet : *Provided*, That such bye-laws be not inconsistent with the constitution and laws of this state or of the United States.

Directors authorized to make bye-laws.

Proviso.

VI. *And be it further enacted*, That the stock of the said company shall be deemed and considered personal estate : *Provided always*, That for all debts which shall be due and owing by the said company, the persons composing the said corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, on any suit or action to be brought or prosecuted after the dissolution of the said corporation : *And provided also*, That nothing in this act contained shall be construed to authorise or empower the said company to use their funds, or any part thereof, in any banking transaction, or in the purchase of the stock of any bank in the United States, or any other public stock.

Stock deemed personal estate.

Stockholders liable for debts to a certain extent on the dissolution of corporation.

VII. *And be it further enacted*, That the directors hereafter to be elected shall proceed, as soon after their election as may be convenient, to appoint one of their number to be their president.

President how chosen.

VIII. *And be it further enacted*, That the contracts entered into by the aforesaid Abraham G. Thompson and Sullivan Moulton, touching and concerning the lease of the said land, shall be and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same as

Certain contracts entered into by A. G. Thompson and Sullivan Moulton binding on the corporation.

if made by themselves : *Provided nevertheless*, That nothing in this act contained shall in any manner impair or injure the right, title or interest of any person who may claim or have any interest in the leased lands, premises or mines, referred to in this act : *And provided further*, That the statute of limitations of this state shall not be considered as running against any such person during the continuance of the incorporation hereby granted.

This act to
be a public
act.

IX. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

CHAP. LXVI.

An ACT authorising the comptroller to loan money to the President and Directors of the Jamesville Iron and Woollen Factory, in the county of Onondaga.

Passed June 1, 1812.

WHEREAS the president and directors of the Jamesville iron and woollen factory, in the county of Onondaga, have presented their petition to the legislature, at the present session, setting forth in the said petition that they, the said president and directors have expended large sums of money in the establishment of their factory, and praying for a loan of money from the state to enable them to further prosecute the objects thereof : *And whereas*, The legislature are disposed to aid the said company in their undertaking : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to loan to the president and directors of the Jamesville iron and wollen factory, in the county of Onondaga, a sum not exceeding five thousand dollars, out of any money now being or hereafter to come into the treasury, belonging to the common school fund : *Provided*, That the said president and directors shall, at the time of receiving the sum so to be loaned to them, give to the comptroller such se-

curity for the repayment of the same, within five years from the date of the said securities, with interest annually at the rate of seven per cent. per annum, as by the act, entitled "an act to raise a fund for the encouragement of common schools," passed the second day of April, 1805, is required to be given to the comptroller for the repayment of loans made by him of money belonging to the said common school fund.

CHAP. LXVII.

An ACT to alter the time of holding the courts of Common Pleas and General Sessions of the Peace in and for the county Schoharie.

Passed June 1, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the courts of common pleas and general sessions of the peace, in and for the county of Schoharie; which are now authorised by law to be held on the first Tuesday in January in every year, shall, from and after the passing of this act, be held on the first Tuesday of February in every year, and not on the said first Tuesday of January, as heretofore authorised.

CHAP. LXVIII.

An ACT to amend an act, entitled "an act to open and improve a Road on the west side of Lake George, passed the thirtieth day of March, in the year of our Lord one thousand eight hundred and ten."

Passed June 1, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That William Roberts, of the town of Queensbury, Samuel Patchin, of the town of Hague, together with Reuben Smith, the former commissioner in the said act named, be and they are hereby appointed commissioners, for the purpose of laying out, opening and improving the said road, agreeable to the directions and provisions of the said act, and they shall receive the same compensation per day for their services as

the commissioner who was appointed by the aforesaid act, and give the same security as required by that act.

II. *And be it further enacted,* That no one of the commissioners shall draw any money from the treasury in pursuance of this act, without an order signed by two of the aforesaid commissioners.

III. *And be it further enacted,* That it shall and may be lawful for the treasurer, on the warrant of the comptroller, to pay to the aforesaid commissioners, or any two of them, any monies in the treasury not exceeding two thousand five hundred dollars, arising from the sales of improved lands, as well as those unimproved, in the towns of Bolton and Hague, in the county of Washington, not otherwise appropriated, for the purpose of opening and improving the aforesaid road. *Provided,* that any act heretofore done by any person in laying out said road by virtue of the act hereby amended, shall be void and of no effect, unless the said road shall be approved of by two of the said commissioners.

CHAP. LXIX.

An ACT to extend the Goshen and Minisink Turnpike Road.

Passed June 1, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the Goshen and Minisink turnpike company be, and they are hereby authorised, to extend the said road from its present termination near the court-house in Goshen, northeasterly as the road now runs to a willow tree near the southerly corner of James Carpenter's garden, from thence between the house and barn of David Case, thence on the north side of the houses of David Webb and Joshua Brown, to or near the barn of James Strong, thence near the house of Chresse Bull, thence between the house and store of John Decker to the New-Windsor and Blooming-Grove turnpike.

II. *And be it further enacted*, That it shall be lawful for the said corporation to increase their capital stock by an increase of shares not exceeding in the whole amount, the sum of thirty thousand dollars.

III. *And be it further enacted*, That the said president, directors and company shall, in all respects conform to the regulations and stipulations, and be entitled to all the privileges contained in the act to incorporate the Goshen and Minisink turnpike road, passed the 27th of March, 1809 : *Provided*, That the said president, directors and company complete the said extended part of said road, within the term of four years from the passing of this act : *And provided also*, That the chord of the arch of the said extended road shall be twenty-four feet.

CHAP. LXX.

An ACT to incorporate the Goshen and West Town Turnpike Company.

Passed June 1, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Reuben Hopkins, Freegift Tuthill, Benjamin Strong, Stephen Jackson, James Carpenter, David M. Westcott, John G. Hurtin, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the line that divides the states of New-York and New-Jersey, between the fortieth and forty-first mile-stone, and to extend from thence to the village of West-Town, from thence to Rutgar's kill, near the mill of Jones and Van Cleft, from thence to the hill commonly called Pellet's round hill, near the edge of the Walkkill, and thence on the most eligible route to intersect the Goshen and Minisink turnpike, near the village of Goshen, to be laid out by three commissioners appointed by the person administering the government of this state, shall be and hereby are erected and made a corporation and body politic, in fact and in name, by the name of the president, directors and company of the Goshen and West Town turnpike road, and by that

Reuben Hopkins and others incorporated.

Their style and corporate rights.

name they shall be capable in law, to purchase and hold, enjoy and retain, to them and their respective successors, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any place whatsoever: *Provided however*, That the real estate which the said corporation are hereby authorised to purchase and hold, shall not exceed two thousand five hundred dollars: *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfill the end and intent of the incorporation hereby created and made, and to no other use, intent and purpose whatsoever.

Commission-
ers to receive
subscriptions

II. *And be it further enacted*, That George D. Wickham, Stephen Jackson, Freegift Tuthill and Cotton Mather, are hereby appointed commissioners, who shall, on or before the first day of July next, open books and continue to receive subscriptions for the stock of the said corporation, which stock shall consist of not more than seven hundred shares, at twenty-five dollars a share, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirtieth day of March, one thousand eight hundred and seven.

Rates of toll.

III. *And be it further enacted*, That the company hereby incorporated, shall be entitled to exact and receive at each of the gates to be erected on said road, from all persons using the same, for every ten miles, and so in proportion for any greater or less distance, the following rates of toll, to wit: for every cart, wagon or other carriage drawn by two horses, mules or oxen, twelve and an half cents; and for every additional horse, mule or ox attached to such cart or other carriage, three cents; for every horse and rider, six cents; for every chair, sulkey, chaise or pleasure carriage with one horse, twelve and an half cents; for every chariot, coach, coachee, phaeton or other four-wheeled pleasure carriage, twenty-five cents; for every sleigh or sled drawn by two horses mules or oxen, six

cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen; for every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for a greater or less number; for every stage-waggon drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such waggon.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the said company hereby incorporated, shall be seven, four of whom shall be a quorum, and capable of managing the business of the said company, and that the said company hereby incorporated, shall have and enjoy all of the rights, privileges, powers and immunities which are given and granted in and by the act aforesaid, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations contained in said general act, passed the thirteenth day of March, one thousand eight hundred and seven: *Provided however*, The chord of the arch of the road hereby authorised to be made, shall not be less than twenty-four feet: *Provided also*, That if the said corporation shall not complete said road according to the true intent and meaning hereof, within four years from the first day of July next, then this act shall cease and be void: *Provided further*, That the said president and directors may erect two gates and turnpikes across said road, at such places as they they deem proper for the collection of the toll aforesaid.

CHAP. LXXI.

An ACT for dividing the town of Pomfret, in the County of Chautauque, and the town of Cambria, in the County of Niagara, into several towns.

Passed June 1, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the town of Pomfret, distinguished by townships number one and two, in the tenth range, and

one and two in the eleventh range of townships of the Holland company's land, be erected into a separate town, by the name of Ellicott, and that the first town-meeting in said town of Ellicott, shall be held at the house of Joseph Aikin, in said town, and that all that part of the said town of Pomfret, distinguished by townships numbers three and four, in the tenth and eleventh ranges of said townships, be erected into a separate town by the name of Gerry, and that the first town-meeting in said town of Gerry, shall be held at the house of Samuel Sinclair, in said town, and that all that part of the town of Pomfret, known and distinguished by townships number five and six of the tenth range, and the east half of townships number five and six in the eleventh range of townships shall be, and the same is hereby erected into a separate town, by the name of Hanover, and the first town-meeting shall be held at the dwelling-house of Parker Brawnell, in said town, and that all the remaining part of said town of Pomfret, shall be and remain a separate town by the name of Pomfret, and that the first town-meeting in said town of Pomfret, shall be held at the house of Hezekiah Barker, in said town.

II. *And be it further enacted*, That all that part of the town of Cambria, bounded east by the meridian line dividing the said town of Cambria from the county of Genesee, between the fourth and fifth ranges of townships, north by lake Ontario, west by the meridian line dividing the sixth and seventh ranges of townships, and south by the main stream of the Tondawanda creek, be erected into a separate town by the name of Hartland, and that the first town-meeting in said town of Hartland, shall be held at the house of Gad Warner, in said town, and that all that part of the said town of Cambria, bounded east by the west boundary line of the said town of Hartland, north by lake Ontario, west by the boundary line of this state, and south by a line dividing the townships the fourteenth and fifteenth, be erected into a separate town by the name of Porter, and that the first town-meeting in the said town of Porter, shall be held at the house of Peter Hop-

kins, in said town, and that all that part of the said town of Cambria, bounded east by the west boundary line of said town of Hartland, north by a line dividing townships the thirteenth and fourteenth, west by the line of this state, south by the last said line and the Tondawanda creek, be erected into a separate town by the name of Schlosser, and that the first town-meeting in the said town of Schlosser, shall be held at the house of James Field, in said town, and that all the remainder of the said town of Cambria, shall be and remain a separate town, by the name of Cambria, and that the first town-meeting in said town of Cambria, shall be held at the house of Thomas Hustlee, in said town.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns erected from the town of Pomfret, and the supervisors and overseers of the poor of the towns erected from the town of Cambria, due notice thereof by the said supervisors being given, shall respectively meet and apportion the poor maintained by the said towns of Pomfret and Cambria respectively, and the poor money belonging to the same, agreeably to the last tax lists of each of said towns and that each of said towns so erected as aforesaid, shall thereafter maintain its own poor.

IV. *And be it further enacted*, That this act shall take effect from and after the day preceding the first Tuesday of April, one thousand eight hundred and thirteen.

CHAP. LXXII.

An ACT to amend an act, entitled "*An act for the more effectual prevention of fires, and to regulate buildings in the city of New-York.*"

Passed June 1, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That all dwelling-houses, store-houses and other buildings, which, from and after the passing of this act, shall be built or erected within the city of New-York, that is to say, within that part of the said city to the north-

Buildings
erected with-
in certain
limits to be
of brick or
stone.

Covered with
tile or slate.

Proviso.

Further pro-
viso.

ward of the point of the battery, and a line beginning upon the East river opposite Montgomery-street; thence through Montgomery-street to Cherry-street; thence down Cherry-street to Roosevelt-street; thence through Roosevelt-street to Chatham-street; thence down Chatham-street to Chamber's-street, and thence through Chamber's-street to Broadway; thence up Broadway to Canal-street; then commencing again at Chamber's-street and running to Hudson's river, including also the lots of ground on the northerly and easterly sides of the said streets, through which the above-mentioned line runs, and including also the lots of ground fronting on both sides of the Broadway, between Chamber's-street and Canal-street, shall be made and constructed of stone or brick, with party or fire walls rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles: *Provided* such flat do not exceed two-fifth parts of such roof; and that there be erected around the same flat a substantial balcony or balustrade: *Provided also*, That the said provisions and regulations shall not extend or apply to any building whatsoever that shall be erected or built upon any lands, tenements, or hereditaments (whereon there shall be any building at the time of passing this act,) within the limits aforesaid, and northward and eastward of a line beginning upon the East river in a direct line from the corner of Montgomery and Cherry-streets; thence down Cherry-street to Pearl-street; thence down Pearl-street to Beekman-street; thence through Beekman-street to Chatham Row; thence down Chatham Row and across Broadway to Partition-street; thence through Partition across Greenwich, Washington and West-streets to Hudson's river, except such buildings as may be built or erected on any lot or lots of ground on the northwardly or eastwardly sides of the said streets through which the line aforesaid runs, by any lessee or lessees or other person or persons, possessed of a leasehold estate or interest of and in such said lands, tenements or hereditaments, for any term of years, whereof not more than ten years

shall, at the time of passing this act, be unexpired under or by virtue of any lease or other contract actually subsisting and in force at the time of passing this act, and wherein there shall not be contained any clause or provision for any allowance or payment to the lessee or lessees, their executors, administrators or assigns, or any of them, at or before or after the end or expiration of the said term for or in respect of any building erected or to be erected on the said leasehold premises during the said term, but that it shall be lawful for any such lessee or lessees, or person or persons so possessed of a leasehold estate or interest, in any lands, tenements, hereditaments or premises within the limits aforesaid, and northwardly and eastwardly of the line aforesaid, except as aforesaid, who shall be so circumstanced in respect to the said leasehold premises, and his, her or their estate and interest therein as aforesaid, to erect and build upon the said leasehold premises, whereof he, she or they shall be so possessed, or upon any part thereof, any building whatsoever, which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be not more than twenty-five feet, with the materials, and in the manner the same may now be lawfully built or erected, any thing in this act contained to the contrary notwithstanding; but any building so to be built or erected, upon any such leasehold premises, by any such lessee or lessees, or person or persons possessed of any leasehold estate or interest therein, being so circumstanced as herein aforesaid, which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be more than twenty-five feet, shall be made and constructed of stone or brick, with party or fire walls rising at least six inches above the roof, and shall be covered with tile or slate, or other safe materials against fire, and not with boards or shingles, except the flat roof thereof, such flat roof not to exceed two equal fifth parts of the space of the

whole roof, and a substantial balcony or balustrade being erected around the same.

Penalty.

II. *And be it further enacted*, That if any dwelling-house, store-house or other building whatsoever, shall be erected or roofed contrary to the preceding section of this act, the proprietor or proprietors thereof, shall, for every such offence, forfeit and pay the sum of five hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling-house, store-house or other building, contrary to the said section, whether he be the proprietor or not, shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, to be recovered with costs of suit, in any court of record within this state, by the Treasurer or Chamberlain of the said city, for the use of the poor thereof, and when recovered shall be appropriated by the Common Council of the said city, in the same manner as the monies raised by tax, for the maintenance of the poor of the said city, are by law directed to be applied, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such Treasurer or Chamberlain, but shall and may be continued and prosecuted to effect, by his successor in office.

Buildings in watch and lamp district of certain dimensions.

Proviso.

III. *And be it further enacted*, That all dwelling-houses, store-houses and other buildings whatsoever, which, after the passing of this act, shall be built or erected within said city, that is to say, within the watch and lamp district of the said city, and not included in the first section of this act, and which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear to the foot of the rafter, shall be more than thirty feet, or of more than two stories, shall be made and constructed of stone or brick, with party or fire-walls rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles: *Provided* such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same, a substantial balcony or balustrade.

IV. *And be it further enacted*, That if any dwelling-house, store-house or other building whatsoever, shall be erected or roofed contrary to the last preceding section of this act, the proprietor or proprietors thereof, Penalty. shall, for every such offence, forfeit and pay the sum of four hundred dollars, and every builder who shall build, roof or assist in building or roofing such dwelling-house, store-house or other building, contrary to the said last preceding section, whether he be the proprietor or not, shall for every such offence, forfeit and pay the sum of two hundred dollars, to be recovered with costs of suit in any court of record within this state, by the Treasurer or Chamberlain of the said city, for the use of the poor thereof, and when recovered shall be appropriated by the common council of said city, in manner aforesaid, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect, by his successor in office.

V. And the more effectually to prevent the erection of any dwelling-house, store-house or other building within the said city, contrary to this act : *Be it further enacted*, That every such dwelling-house, store-house or other building, which, after the passing of this act, shall be erected or roofed within the said city, contrary to this act, shall be deemed a common nuisance, and the justices of the supreme court, and the justices of the court of oyer and terminer and goal delivery, and the justices of the courts of general sessions of the peace, shall, within the said city, have cognizance of such offences, and are hereby enjoined and required in all and every of the charges hereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to enquire of and to present all offences against this act, and the court to which an indictment or presentment shall be preferred for such offence, shall be and hereby is empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted in the usual manner of prosecution, and upon conviction, to Certain buildings deemed a nuisance.

adjudge such fines and penalties as they, in their discretion, shall think fit and proper, and also in their discretion, to cause such nuisance to be abated and removed.

Buildings
how repaired

VI. *And be it further enacted*, That if any dwelling-house, store-house or other building, already erected and now covered with boards or shingles within the said city southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof, to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act, any thing herein contained to the contrary notwithstanding.

Steeple, cupolas,
&c.
how covered.

VII. *And be it further enacted*, That all roofs, steeples, cupolas and spires of churches and other public buildings, may be covered with boards and shingles, and all privies not exceeding ten feet square and fifteen feet in height, and all fire-engine houses of the corporation, and all lime-houses which shall be erected by the express permission of the corporation, may be built of wood and boards, or brick and stone, and covered with boards or shingles, any thing in this act to the contrary notwithstanding.

Part of the
act repealed.

VIII. *And be it further enacted*, That the first, second, third, fourth, fifth, sixth and seventh sections of the act hereby amended, except as to suits now depending, be and hereby are repealed.

CHAP. LXXIII.

An ACT to enable the mayor, recorder and aldermen of the city of New-York, to raise money by tax, and for other purposes.

Passed June 1, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be alter the pas-

50,000 dolls.
raised for
certain pur-
poses.

sing of this act, to order and cause to be raised by a tax on the estates real and personal of the freeholders and inhabitants of and situate within the said city, and to be collected, a sum not exceeding ninety thousand dollars, to be applied to the support and maintenance of the poor of the said city and county, the support and repairs of the Bridewell of the said city, the support and maintenance of criminal persons, the repairing and taking care of other public buildings in the said city, belonging to or under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public streets and roads in the said city and county, the defraying other contingent expenses arising within and properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty of the city of New-York, may sustain or be put to in exercising the powers vested in them, by the act passed the second day of April, 1803, entitled "an act to invest the mayor, aldermen and commonalty of the city of New-York, with adequate power in relation to certain objects of importance to the police and health of the said city," and for supplying the deficiencies of former taxes upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, any or either of them, or others and fees of collection not heretofore provided for, such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively, where they shall happen as aforesaid; and also, a further sum, not exceeding seventy thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants of and situate within the said city, to the southward of a line beginning at the North river at a place called Deklyn's ferry, a little to the northward of the State-Prison, thence eastwardly in front of the new banking houses to the road, commonly called the Sandy-hill road, thence along the said Sandy-hill road to the northward of Potter's field and the house of William Neilson, to the Bowery road, to a street commonly called Stuyvesant-street, and through the middle thereof to the East

70,000 dollars
more to be
raised.

How applied.

river ; to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up of the same, and repairing, cleansing and lighting those, which now are or hereafter may be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defray the other contingent expenses arising in and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty in common council convened, may from time to time direct, and for supplying deficiencies of former taxes upon the same part of the same city last described, owing to insolvencies and fees of collectors not heretofore provided for, such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

Manner of assessing and collecting.

II. *And be it further enacted*, That the said several sums of money shall be assessed in the manner directed by the act, entitled "an act for the assessment and collection of taxes," and each person's tax in one ward, shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such time after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

Collectors compensation.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected : the collectors of the fourth, fifth, sixth, seventh and tenth wards of the said city, to retain in their hands four cents on each dollar by them collected ; and the collectors of the eighth and ninth wards of the said city, to retain in their hands five cents on each dollar by

them collected, and no more, as a full compensation for their trouble in collecting and paying to the said treasurer or chamberlain, the monies which shall be raised by virtue of this act.

IV. *And be it further enacted*, That wherever any tax of any description, on lands or tenements within the city of New-York, shall remain unpaid on the day upon which the collectors are limited by law to account for the collection of the same, and the collectors of the ward in which the same shall be charged, shall make affidavit before the mayor or recorder, or one of the aldermen of the said city, that the owner or owners of the premises on which the same is imposed, cannot, upon diligent enquiry, be found, or that being found, he, she or they have not sufficient personal estate on the premises, whereon the said tax can be levied, it shall be lawful for the mayor, recorder and aldermen of the said city, or any seven of them, of whom the mayor or recorder shall be one, to issue a warrant under their hands and seals, directed to and requiring some proper person to levy the said tax, by distress and sale of the goods and chattels of the owner or owners of such lands or tenements respectively, wheresoever the said goods and chattels may be found in the said city, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the person or persons whose goods and chattels shall be so distrained and sold : *Provided, and be it further enacted*, That nothing herein contained shall be construed to prevent the mayor, aldermen and commonalty of the city of New-York, from collecting the arrears of any such tax, under and by virtue of the act, entitled "an act for the more speedy collection of taxes and assessments in the city of New-York," passed the 1st April, 1808.

Remaining
tax how col-
lected.

Arrears of
taxes collect-
ed pursuant
to a law of
1808.

V. *And be it further enacted*, That whenever the arrearages of any tax shall be collected in manner aforesaid, the same shall be carried to the credit of the ward in which the same shall have been charged.

How to be
credited.

VI. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, from time to time, to dig, sink and make, and cause to be

Wells and
pumps made.

dug, sunk and made, such and so many public wells and pumps in the said city, and at such places therein, as they shall think necessary or convenient for the said city, and to cause estimates of the expense thereof, and a just and equitable assessment of such expenses together with the charges of the assessment and collection thereof, to be made upon and among all such lands, tenements, hereditaments and premises, and the owners and proprietors thereof, as may be benefitted thereby, in proportion as nearly as may be to the advantage which each shall be deemed to acquire, and the said mayor, aldermen and commonalty shall appoint three discreet and disinterested freeholders, to make such estimate and assessment, who, before they enter upon their trust, shall severally take an oath before the mayor, recorder or one of the aldermen of the said city, to make the said estimate fairly and impartially, according to the best of their skill and judgment, and the said freeholders, or any two of them, after having made such estimate and assessment, shall certify and report the same, in writing, to the said mayor, aldermen and commonalty in common council convened, and the same, when ratified and confirmed by the said common council, shall be binding and conclusive upon the owners and proprietors of such lands, tenements, hereditaments and premises, so to be assessed respectively, and all other persons whomsoever, and the respective sums so to be assessed upon the said lands, tenements, hereditaments and premises respectively, and the respective owners and proprietors thereof, shall be a lien or charge on such lands, tenements, hereditaments and premises respectively, whereupon the same shall be so assessed, and as well the owners as also the occupants thereof, and each and every of them shall moreover respectively be liable upon demand to pay the sums at which such lands, tenements, hereditaments and premises respectively so owned or occupied by him, her or them, shall be so assessed, to such person as the said common council shall appoint to receive the same, and in default of payment of the same or of any part thereof, it shall be lawful for the said mayor, aldermen and commonalty, or any five of

Estimate of
expense how
to be made.

Such esti-
mate binding
on owners of
lots.

The sum to
be paid when
demanded.

them, of whom the mayor or recorder shall be one, by warrant under their hands and seals, to levy the same with lawful interest thereon, from the time of the confirmation of the said assessment and the charges of proceeding in the premises by distress and sale, of the goods and chattels of such owner or owners, or occupant or occupants refusing or neglecting to pay the same, rendering the overplus, if any, after deducting all just charges, to such owner or owners, or occupant or occupants, or the said respective sums or assessments, may be recovered with interest and costs by the said mayor, aldermen and commonalty, from and against the owner or owners of the premises respectively, whereon the same may be so assessed, or from and against any or either of the said owners thereof, by action of debt or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this act; and the respective sums of money or assessment when paid or collected and recovered as aforesaid, shall be applied towards defraying the expense of digging, sinking and making such public well or wells, or pump or pumps, so to be dug, sunk and made: *Provided*, That nothing herein contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made, and if any money so to be assessed, be paid by any person or persons when by agreement or by law, the same or any part thereof, ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same, to sue for and recover the money so paid, or such part thereof as ought to have been paid by such other person or persons with interest and cost, as so much money paid for the use of the said person or persons who ought to have paid the same, or to deduct and retain the same with interest and costs, out of any monies then being or at any time or times thereafter to become due, owing or payable by him, her or them to the said person or persons who ought to have paid the same; and the assessment aforesaid, with proof of

May be collected by distress and sale

Provided

payment, shall be conclusive evidence in such suit and in justification of such retainer.

Assessments
when made
and confirmed
and the
owners of lots
cannot be
found or re-
fuse to pay.

May be ad-
vertised.

And sold for
a term of
years.

VII. *And be it further enacted*, That wherever and whenever any assessment upon any lot or lots in the City of New-York, hath heretofore been, or hereafter shall be made and confirmed according to law ; and the money hath not been or shall not be collected upon any lot or lots, which was or were or may be charged in the said assessment, and the collector shall make affidavit of his demanding the money several times of such owner or owners, as may reside in the said city, and that they have neglected or refused to pay the same, or shall make affidavit, that the owner or owners of any such lot or lots is or are unknown or cannot, upon diligent inquiry, be found in the said city ; it shall and may be lawful for the mayor, aldermen and commonalty of the City of New-York, to take order for advertising the same in two or more of the public newspapers, printed in the said city, for six months, once in each week, thereby requiring the owner or owners of such lots respectively, to pay the sum, at which each of the said lots hath been or shall be so assessed, together with interest thereon at the rate of seven per cent per annum, from the time of the confirmation of the said assessment, to the time of payment, with the charges of such notice and advertisement, to the treasurer or chamberlain of the said city, and that if default shall be made in such payment, such lot or lots will be sold at public auction, at a day and place therein to be specified for the lowest term of years, at which any person or persons shall offer to take the same in consideration of advancing the sum assessed on the same, together with interest thereon, at seven per cent per annum, from the time of confirming the said assessment to the time of sale, and, together with all costs and charges accrued thereon ; and if, notwithstanding such notice, the owner or owners shall refuse or neglect to pay such assessment with interest as aforesaid, and the charges attending such notice and advertisement, then it shall and may be lawful to and for the said mayor, aldermen and commonalty to cause each of the said lots to be sold at public auction for a

term of years for the purpose and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, under the common seal of the said city ; and such purchaser or purchasers, his, her or their executors, administrators and assigns shall by virtue thereof, and of this act, lawfully hold and enjoy the same for his, her and their own proper use, against the owner or owners thereof ; and all claiming under him, her or them, until such purchasers term therein shall be fully complete and ended, and the said purchaser or purchasers, his, her or their executors, administrators and assigns, shall be at liberty to remove all the buildings and materials, which he, she or they shall erect or place thereon, during the said term, within one month after the expiration of the said term ; but leaving the lots with the street or streets fronting the same in the order required by the regulations of the common council. *Provided always*, that no such proceeding by advertisement and sale as aforesaid shall take place under any assessment heretofore made and confirmed unless in cases where the said assessment now is a lien or charge on the lots assessed.

Purchaser may remove all buildings at the end of the term.

Provided

VIII. *And be it further enacted*, That the last preceding section of this act shall not be construed to prevent the collection of any assessment or assessments by distress and sale of the goods and chattels of the owner or owners, occupant or occupants of any lot or lots therein or thereby assessed.

Assessments collected by distress and sale of goods and chattels.

CHAP. LXXIV.

An ACT directing the ferry at Black Rock to be leased.

Passed June 2, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the surveyor-general be, and he is hereby authorised and required to lease the ferry over the Niagara river, at Black Rock, in the county of Niagara, also the ferry-house and lot, for the term of four years, to such person or persons, and on such terms as he may deem

to be most advantageous for the benefit of this state, with this express provision in said lease, to wit: that if at any time during the term of said lease, the person administering the government of this state, should deem it necessary and proper for the people of this state, to have the exclusive use of the said ferry, house and lot, then and in that case it shall and may be lawful for him to direct the same to be entered and occupied by such person or persons as he may authorise for that purpose, on paying the lessee or occupant of said ferry, a reasonable compensation for such boats or other implements as may be delivered and may be deemed useful and necessary for said ferry; and the said lease shall contain a covenant to carry the Indians of the Seneca nation across the said ferry, free of expense, according to the treaty made with said nation.

CHAP. LXXV.

An ACT for dividing the town of Rhinebeck in the county of Dutchess.

Passed June 2, 1812.

Redhook
erected.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Rhinebeck, in the county of Dutchess, situate, lying and being within the following limits and bounds, beginning on the bank of the Hudson river, at the middle of the Stein Vallitje; thence running along the line of division between the estates of General John Armstrong, and Philip J. Schuyler, Esquire, to the south part of Schuyler's Vly; thence an easterly direction leaving the house and mills of Johannes Ring on the north till it intersects the road leading from the town of North East to Rhinebeck flatts; and from thence easterly as the road runs to the town of North East, leaving Benjamin Westfall's house on the north; thence northerly along the said west boundary line to the south boundary line of Columbia county; thence westerly along the said south boundary line to the Hudson river, and thence southerly along the bank of the said Hudson river to the place of beginning,

shall be and is hereby erected into a separate town by the name of Redhook, and the first town meeting of the said town of Redhook shall be held at the house of Henry Walter, in said town, and that all the remaining part of the town of Rhinebeck, shall be and remain a separate town by the name of Rhinebeck; and the next annual town meeting of the said town of Rhinebeck, shall be held at the house of John Miller, in said town, at the time to which the same is directed by law to be held.

II. *And be it further enacted*, That as soon as may be, after the first Tuesday in April next, the supervisors and overseers of the poor of said towns of Rhinebeck and Redhook, on notice being first given by the said supervisors for that purpose, shall meet at the house of Nicholas Bonesteel, in the said town of Redhook, and divide the money and poor belonging to the town of Rhinebeck, previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor.

Poor and
money divid-
ed.

CHAP. LXXVI.

An ACT to enable Daniel McCormick, of the City of New-York, Merchant, to make certain provisions by Will for the sale of Real Estate.

Passed June 2, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That such provisions as the said Daniel McCormick shall or may make, or have made, in and by his last will and testament, duly executed, for the sale and disposition of his real estate, or any part or parts thereof, shall be valid and effectual in the law, notwithstanding any plea or objection of alienism in the person or persons for whose benefit such sale or sales are or may be directed; and such sale or sales having been made by virtue of any power or directions contained in the said will, the proceeds thereof shall belong to, and be paid to the said person or persons respectively, in conformity to the said directions.

LXXVII.

An ACT for the benefit of *Smith Bedford*.

Passed June , 1812.

WHEREAS *Smith Bedford*, of the city of Albany, presented a petition to the honorable the legislature of the state of New-York, praying for the alteration of his name to that of *David Elias Smith Bedford*: And whereas it appears satisfactorily that the alteration of the name of the said *Smith Bedford* to that of *David Elias Smith Bedford* will be of material advantage to him, inasmuch as a legacy has or will be bequeathed to him by that name: Therefore,

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That the said Smith Bedford hereafter shall be called and known by the name of David Elias Smith Bedford, and by that name shall be in law capable of taking, purchasing, holding and conveying any estate, real or personal, of any kind or nature whatsoever.

CHAP. LXXVIII.

AN ACT to incorporate the *Stockholders of the Bank of America*.

Passed June 2, 1812.

Preamble.

WHEREAS *Theodorus Bailey* and others have, by their petition presented to the Legislature, stated that they are desirous of establishing a bank, under the style and name of the *President, Directors and Company of the Bank of America*, and have prayed that they and their associates may be incorporated for that purpose: Therefore,

Stockholders incorporated

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all such persons as shall, in the manner herein after provided, become stockholders of the bank hereby incorporated, shall be, and hereby are ordained, constituted and declared to be a corporation and body politic, by the name and style of the president, directors and company of the bank of America, and shall so continue from, and immediately after the passing of this act,

Their style and powers.

until the second Monday of May, which will be in the year one thousand eight hundred and thirty-two, and by that name they and their successors shall and may, until that day, have continued succession, and shall be, and hereby are made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may make, have and use a common seal, and may break, change, alter and renew the same at their pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate which it may be lawful for the said corporation to hold, shall be only such as shall be requisite or necessary for its accommodation in relation to the transaction of its business, or the accommodation of any of its officers, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealing, or purchased at sales upon judgments which shall have been obtained for such debts; *And provided further*, That it shall not be lawful for the said corporation, directly or indirectly, to deal or trade in buying or selling any goods, wares, merchandise or commodities whatsoever, or in buying or selling any stock created by any act of the United States or of this state, unless in selling the same when truly pledged by way of security for debts due to the said corporation. *Further proviso.*

II. *And be it further enacted*, That the capital stock of the said corporation shall not exceed six millions of dollars, and shall be divided into sixty thousand shares, and that a share in the said stock shall be one hundred dollars, and that subscriptions for the said stock, in the manner herein after mentioned, shall be opened and kept open by the appointment and under the direction of the directors of the said bank herein after named, subject to such rules, regulations, limitations and conditions, as shall be by them prescribed, until *Capital stock.*

the whole amount of shares for which the subscriptions were opened shall be filled.

Subscription
books to be
opened for
1,000,000
dolls.

Stockholders
in the late U.
S. bank not
to subscribe
for the same.

The stock-
holders of
the late U.
S. bank may
subscribe
5,000,000
dolls.

If the same
is not sub-
scribed in a
certain time
the remain-
der may be
subscribed by
others.

18 directors
to manage
the affairs of
the corpora-
tion.

III. *And be it further enacted*, That subscription books shall be opened at such time and place as shall be appointed as aforesaid, for receiving subscriptions for one million of dollars of the said stock, and shall be kept open until the same has been subscribed: *Provided*, That no person or persons who is a stockholder or stockholders in the late bank of the United States, at the time of the passing of this act, shall, directly or indirectly, become a subscriber or subscribers for any part of the one million of dollars for which subscription books shall be opened as aforesaid; and if any such subscription shall be made, the same shall be, and hereby is declared to be invalid and of no effect.

IV. *And be it further enacted*, That other subscription books shall be opened in the city of New-York, during and at such time or times as shall or may be appointed as aforesaid, giving at least ten days notice thereof in two of the newspapers printed in the city of New-York, wherein the stockholders of the late bank of the United States may subscribe five millions of dollars of the said stock of the late bank of the United States, subject as aforesaid; and which books shall be kept open for at least sixty days, unless the said amount shall be sooner subscribed; and if such last mentioned sum shall not be subscribed within such time as aforesaid, or within such further time as the said directors shall or may prescribe, then and in such case it shall and may be lawful for the directors herein after named to cause a subscription book to be again opened, at such time and place as they shall appoint, for the purpose of receiving subscriptions for so much of the said five millions of dollars as shall remain unsubscribed for as aforesaid, and for which any person or persons may become a subscriber or subscribers.

V. *And be it further enacted*, That for the well ordering, managing and conducting of the stock, property, concerns and affairs of the said corporation, the same shall be ordered, managed and conducted by eighteen directors, two of whom shall be appointed by the council of appointment, and the residue shall be

stockholders and citizens of this state, to be chosen by the stockholders of the said corporation in the manner herein after provided for, which directors shall hold their offices for one year from the second Monday of May in every year, and until others shall be duly elected in their places; and the said directors shall be elected on the first Monday of May in every year, at such time of day, and at such place within the city of New-York, as a majority of the directors for the time being shall appoint, of which public notice shall be given by the said directors, not more than twenty nor less than ten days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York; and the said election shall be held and made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, subject to the restriction herein after provided; and all elections shall be by ballot, and the sixteen persons who shall have the greatest number of votes shall be directors, (except as herein after directed;) and if it shall happen at any election that any two or more persons have an equal number of votes, then the directors in office at the time of such election, or a majority of them, shall proceed to ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number of directors; and the directors so elected and appointed shall take their seat at the board on the second Tuesday in the same month of May in each year, and shall, as soon as may be, proceed to elect by ballot one of their number to be their president, and if any director, other than those appointed by the council of appointment, shall move out of this state, or cease to be a stockholder, his office shall be considered vacant; and whenever any vacancy happens among the directors, from any cause whatever, the same shall be filled for the remainder of the year in which it shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall

Notice to be
given of
election.

First directors.

appoint: *Provided however*, That there shall be no election for, or appointment of directors, until the first Monday of May, one thousand eight hundred and fourteen, and that in the mean time, Theodorus Bailey, Oliver Wolcott, Stephen Whitney, William Bayard, John T. Lawrence, Archibald Gracie, Arthur Smith, John T. Champlin, Patrick G. Hildreth, George Griswold, John Depeyster, Elisha Levensworth, Thomas Buckley, Philip Hone, Josiah Ogden Hoffman, Abraham Barker, Preserved Fish and Henry Post, junior, be, and they are hereby declared to be the directors of the said corporation, and they shall hold their offices until the second Monday of May, in the year last aforesaid; and the directors herein before named shall choose one of their number for their president.

Corporation not dissolved for not holding election on a certain day.

VI. *And be it further enacted*, That in case it shall at any time happen that an election of directors shall not take place on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, and in such other manner, as shall be prescribed by a bye-law or ordinance of the said corporation, for that purpose to be made.

Votes proportioned.

VII. *And be it further enacted*, That each stockholder or stockholders, at elections, shall be entitled to vote according to the number of shares he, she or they shall hold, in the proportions following, that is to say: For one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; for every ten shares above one hundred, one vote; but no person, copartnership nor body politic, shall be entitled to a greater number of than thirty votes: *Provided*, That no stockholder, not a citizen of the United States, and an actual resident therein, shall be entitled to vote at elections or otherwise, either in person or by proxy: *And provided also*, That no

Proviso.

stockholder shall be entitled to vote at elections or otherwise, on any stock, unless he, she or they shall have held the said stock, on which he, she or they offer to vote, at least sixty days previous to such election or time of voting.

VIII. *And be it further enacted*, That a majority of the directors for the time being, shall form a board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such bye-laws, rules and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other matters as appertain in any wise to the concerns or affairs of the said corporation; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided*, That no director, other than the president, shall be entitled to any emolument for his services, but that the president shall receive such salary or compensation for his services, as shall be agreed upon by a majority of the board of directors.

Majority of the directors to form a quorum.

Proviso.

IX. *And be it further enacted*, That no transfer of stock shall be valid and effectual, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors.

Transfer of stock not valid until registered.

X. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed three times, nor the bills issued be more than the sum of the capital stock actually subscribed and paid into the said bank; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body.

Debts limited

corporate, from also being liable and chargeable with such excess; but such of the said directors as shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

Bills obligatory, &c. assignable and binding on the company

XI. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person whatever, shall be assignable by endorsement thereupon, under the hand of such person or his assignee, so as absolutely to transfer and vest the property thereof in such assignee, and to enable such assignee to bring and maintain an action thereupon in his own name, and all bills or notes which may be issued by order of the said corporation, for the payment of money to any person whatever, or his order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the said corporation, in like manner, and with like force and effect, as upon any private person, if made by him, and shall be assignable and negotiable in like manner as if made by such private person.

The corporation shall pay to the state 600,000 dollars.

XII. *And be it further enacted*, That the corporation hereby created shall pay to the treasurer of this state the sum of four hundred thousand dollars, in four equal annual payments, and the first payment to be made in one year from the passing of this act; and the further sum of one hundred thousand dollars in ten years, and the further sum of one hundred thousand dollars in nineteen years from the passing of this act: four hundred thousand dollars, part thereof, to be applied for the use and encouragement of common schools within this state; and one hundred thousand dollars thereof to be applied for the purpose of opening and improving roads and navigation; and one hundred thousand dollars for the encouragement of literature within this state, in such manner as the legislature shall provide by law; and if default shall be made at any time in any of the said payments for the space of sixty days after the same shall become due, the corpo-

400,000 dollars for common schools.

100,000 dollars for roads and navigation.

100,000 dollars for the encouragement of literature.

ration hereby created shall be and hereby is declared to be dissolved.

XIII. *And be it further enacted*, That the corporation hereby created shall loan to the people of this state, for and during the continuance of this act, such sum or sums of money as may be required, not exceeding the sum of one million of dollars, at a rate of interest not exceeding five per cent. per annum, the said interest to be paid annually, and the principal sum which may be so borrowed, to be repaid at such time or times, during the continuance of this act, as shall be provided for by law: *And further*, That the said corporation shall also loan to the people of this state, when required, a further sum, not exceeding one million of dollars, at a rate of interest not exceeding six per cent. per annum, the said interest to be paid annually, and the principal sum which may be so borrowed by the state as last mentioned, to be repaid at such time or times, during the continuance of this act, as shall be provided for by law.

The corporation shall loan to the state 1,000,000 dollars at 5 per cent.

And 1,000,000 at 6 per cent. interest

XIV. *And be it further enacted*, That the said corporation shall not demand any greater interest for any loan or discount, than at the rate of six per cent. per annum.

Rate of interest not to exceed 6 per cent.

XV. *And be it further enacted*, That if the said corporation shall be dissolved by limitation of time or otherwise, it shall be lawful for the president and directors thereof for the time being, to sue and be sued, in any court or place, by their corporate name, for and upon any cause, matter or thing, arising previous to such dissolution, in like manner as they might have done if the same had not taken place; and also to sell their property, real or personal, and to divide the proceeds, and all their capital, among the several stockholders, rateably according to their several interests in the same.

Privileges of the corporation after its dissolution.

XVI. *And be it further enacted*, That this act be, and the same is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for all beneficial purposes therein intended.

This act to be a public act.

CHAP. LXXIX.

An ACT to incorporate the Ogdensburgh Turnpike Road Company.

Passed June 8, 1812.

David Parish
and others
Incorporated.Their style
and corpo-
rate rights.Amount of
stock.

I. **BE** it enacted by the people of the state of New York, represented in Senate and Assembly, That David Parish, Nathan Ford, Louis Hasbrouck, Joseph Rosseel, Charles Hill, Ebenezer Legro, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near where the St. Lawrence turnpike road crosses Indian river, in the town of Le Ray, in the county of Jefferson, and from thence on the best and most direct route to the village of Ogdensburgh, in the town of Oswegatchie, and their successors be, and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Ogdensburgh turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continuing succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal for the use of the said corporation: *Provided*, That such estate, as well real and personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of one thousand shares, of fifty dollars each, and that David Parish, Louis Hasbrouck, David Ford, Henry Lewis and John Jenison be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, in the year of our Lord one thousand eight hundred and seven.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to ask and receive at each of the gates or turnpikes to be erected on a said road, for any number of miles not less than ten in length, of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: for every cart or waggon drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and a half cents; and for every additional horse, mules or ox, the further price of three cents; for every stage waggon, chariot, coach, coachee, phaeton, curricule or other pleasure-carriage drawn by two horses, twenty-five cents; and for every additional horse, six cents; for every chair, sulkey or chaise with one horse, twelve and a half cents; and in like proportion for every additional horse; for every horse rode, six cents; for every horse led or driven, four cents; for every sleigh or sled drawn by two horses, oxen or mules, six cents; and for every additional horse, ox or mule, three cents; for every sleigh or sled drawn by one horse, ox or mule, six cents: for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents: *Provided*, That nothing in this act contained, shall be construed to entitle the said corporation hereby created, to demand or receive toll at any gate, of or from any person passing to or from public worship, or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within one mile of said gate, or from any person or persons who are entitled to vote, when going to or returning from any town meeting or election for the purpose of giving a vote, or from any person going for a physician or midwife or returning, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States, or from any person going to or returning from any training where by the laws of this state they are required to attend: *And provided also*,

Rates of toll.

Persons, &c.
exempted.

That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon said road, the tire or track of the wheel whereof is six inches wide, nor more than one fourth part of the above toll from those of nine inches wide: And that the said president and directors shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may be conveniently read, a printed list of the rate of toll which may be lawfully demanded.

This road may be completed like the St. Lawrence turnpike.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated, to complete the turnpike road hereby authorised, according to the dimensions and in the manner prescribed for making and completing the St. Lawrence turnpike road, in and by an act, entitled "an act to incorporate the St. Lawrence turnpike road company."

Committee to survey and lay out the road.

V. *And be it further enacted*, That David Parish, Nathan Ford and Moss Kent, or any two of them be a committee to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

Privileges of the company.

VI. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. LXXX.

An ACT for settling disputes and controversies between the persons claiming certain Lands in the town of Kinderhook, under a patent granted to John Hendrick De Bruyn, and the possessors thereof.

Passed June 8, 1812.

WHEREAS divers disputes and controversies have subsisted between the persons claiming a tract of land granted by patent to John Hendrick De Bruyn, in sixteen hundred eighty-six, of the one part

Preamble.

and Peter Cooper, Daniel Frier, Andrew Shergerman, John Niver, junior, Thomas Watson, Thomas F. Tobias, Reuben Bullock, John Goedemoet, Cornelius Watson, Marius Niver, Michael Niver, Jacob Goedemoet, and the heirs of Henry Ham, deceased, and others, who are in possession of land in the town of Kinderhook, in the county of Columbia, of the other part, relative to the right and title to the said lands so possessed, and which are claimed by the said parties of the first part, by virtue of said patent : And whereas the said disputes and controversies cannot be finally determined without a number of law suits, attended with great delay and expense to the parties : And whereas divers of the parties are infants, and some under coverture, by means whereof it is difficult if not impracticable to have a determination of the disputes and controversies conclusive and binding without the aid of the legislature : And whereas the agents and attornies of the said parties have agreed to unite in an application to the legislature for an act appointing commissioners finally to determine the right and title of the said parties to the lands possessed by the parties of the second part, in the said town of Kinderhook, and claimed by the said parties of the first part, and all disputes and controversies relative to the same ; and that Jacob Radcliff and David B. Ogden, of the city of New-York, and Theron Rudd, of the town of Poughkeepsie, Esquires, be the commissioners for that purpose : And whereas the said agents have made their joint application by petition to the legislature, the prayer of which it appears reasonable to grant : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Jacob Radcliff, David B. Ogden and Theron Rudd be, and are hereby appointed commissioners to settle the said disputes and controversies.

Commissioners appointed to settle the disputes.

II. *And be it further enacted,* That it shall and may be lawful for the said commissioners to hear and examine all disputes and controversies between the said parties respecting the title to the said lands, the rights

They may hear and examine disputes and controversies

and remedies of the parties, and all claims made by them to said land, or to any part thereof, by any or either of them, and finally to determine such disputes, controversies and claims; which determination shall be absolutely binding and conclusive, and shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title and interest of every part of said lands, in such person or persons, and for such estate or estates, and in such way and manner, as shall be named and specified in such determination; and if such right or title of the parties of the first part shall by the said commissioners be found to exist, then they shall ascertain and determine whether the remedy hath been barred or defeated by length of time or other means whatsoever.

They may
summon any
person with-
in this state
before them
to give evi-
dence.

III. *And be it further enacted*, That the said commissioners, or one or more of them, shall be and hereby are authorised to summon and order any person or persons within this state, to appear before the said commissioners, to be examined and give evidence touching the matters in controversy, and also to bring with them all such deeds, books, papers, records or other written evidence, as may be required in an ordinary course of law, by subpoena duces tecum; and that if any person summoned by writing, subscribed by the said commissioners, or any or either of them, to appear and testify, or to produce any written evidence, and having reasonable time allowed him for that purpose, and being paid, or having tendered to him a reasonable compensation for his expenses of attendance and for his loss of time, shall neglect, refuse or delay to give such attendance, and to bring such written evidence as aforesaid, such person shall forfeit for every such refusal, neglect or delay, the sum of two hundred and fifty dollars, to be recovered in any court of record, having cognizance thereof, by action of debt, by and in the name of the person at whose instance he was summoned.

They may
administer
oaths to wit-
nesses.

IV. *And be it further enacted*, That the said commissioners shall have power to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matters in ques-

tion; and if any person so to be examined shall knowingly give false evidence on such examination, and shall thereof be convicted, such witness shall for such offence suffer the pains and penalties inflicted by law for wilful and corrupt perjury: *Provided*, That no person shall be compelled to give evidence other than such as he would be bound to give upon a trial at common law.

V. *And be it further enacted*, That if the said commissioners shall determine the title to the said lands, or any part thereof, to be in the persons claiming under the said patent, then the said commissioners shall view the lands, or so much thereof as they shall determine to belong to the said parties of the first part, and shall cause a survey to be made of the same, and of the parcels claimed by every person whose possession shall fall within such determination, and also that the said commissioners after such view and survey, and after taking all relative circumstances in consideration, and after hearing the proofs and allegations of the parties, if any be offered, shall award and determine what shall be paid by the possessor to the proprietors for the same, and at what time and manner the same shall be payable.

If they determine lands to belong to persons claiming under patents, after viewing the same

And making a survey thereof,

They shall award what shall be paid by the possessor and proprietor.

V. *And be it further enacted*, That before the commissioners shall enter upon the duties of their office, the attorney for the parties of the first part shall deliver to the said commissioners the names of all such persons as claim to be proprietors of such lands as are possessed by the said parties of the second part within what is claimed to be the bounds of said patent; and the attorney for the parties of the second part shall also deliver to the said commissioners the names of all such persons as claim to be possessors, owners or occupants of any lands so possessed within the disputed lines; and all persons whose names are so given shall be and hereby are declared parties to this act, as fully and effectually as if they were named herein.

A list of the parties shall be given to the commissioners by their attorneys.

VII. *And be it further enacted*, That the monies awarded by the commissioners aforesaid shall be paid at the time and in the manner by them directed, to such person or persons as shall be by them appointed.

Monies awarded by the commissioners how to be paid.

ed ; and upon payment of the amount of the monies payable by the possessor to the proprietors, the possessor shall hold and be seised, and be deemed to hold and be seised, of an estate in fee simple in the said lands so possessed by him as aforesaid ; and the right and title of all persons claiming under the said patent to be extinguished : But if it shall so happen that the monies shall remain due and unpaid, in whole or in part, at the end of the time appointed by said award, then the proprietor or proprietors, or his or their agent, may proceed to a sale of the land of the delinquent possessor, or any part thereof, at public auction, in the manner and after the notice usual in the case of mortgages, with clause of sale ; and such sale shall be a bar both in law and equity to the possessor, and all who shall claim by, from, or under him or them : *Provided nevertheless*, That if in such sale more money shall be made than is sufficient to satisfy the sum due, with reasonable costs, the sum remaining shall be paid to the possessor or delinquent.

The commissioners shall audit all expenses and charges accruing by virtue of this act.

VIII. *And be it further enacted*, That the said commissioners shall audit all accounts and expenses, and costs and charges, which shall arise for, or by reason of any matter or thing respecting the trust or power herein before specified, and all costs which have already accrued in the several suits which have been brought and are pending in relation to the said controversy, and all claims for mesne profits, and shall decide who shall pay the same ; and shall further order and adjudge the sum which each claimant or possessor shall pay, of which they shall give a certificate under their hands and seals : and the same adjudication and certificate shall be final and conclusive, and create a lien on the property of the person named therein, as a judgment at law ; and if payment of the sum so assessed shall not be made within thirty days after the adjudication made and certificate given as aforesaid, it shall and may be lawful for the said commissioners, by writing under their hands and seals, to direct the sheriff of the county of Columbia to cause the sum assessed, with the costs of collection, to be made of the goods and chattles, lands and tenements, of the person so liable to the

Persons neglecting or refusing to pay may be proceeded.

same payment; which money, when collected, shall be paid to the said commissioners, or one of them, to be appropriated and applied by them to the satisfaction of said costs.

IX. *And be it further enacted*, That all determinations to be made by virtue of this act shall be made within one year from the passing thereof; and that the commissioners shall from time to time enter their determination in a book to be kept by them for that purpose, and after signing and sealing the same, such book shall be lodged in the office of the clerk of the county of Columbia, there to remain of record.

All determinations under this act shall be made within one year from its passage.

X. *And be it further enacted*, That all and singular the trusts, powers and authorities, hereby granted to the said commissioners, shall and may be executed by any two of the said commissioners.

Two of the commissioners are competent to act.

XI. *And be it further enacted*, That nothing in this act shall be construed or taken so as to prevent any agreement concerning the matters in dispute between the proprietors of the said patent, or their agents, on the one part, and the said possessors, or any or either of them, or their agents, on the other part; but that all agreements so to be made shall be valid, and conclude as well the parties to such agreement as all persons who may hereafter claim by, from or under the said patent, and by, from or under the said parties, or any or either of them, notwithstanding the infancy or coverture of any or either of them.

This act shall not prevent agreements between the proprietors of the patents and others about the matters in dispute.

XII. *And be it further enacted*, That nothing in this act contained shall be taken or construed to impair any right or title to the said lands which the said parties of the first part may set up on the hearing before the said commissioners, other than that derived from the said patent, but they shall be at full liberty to avail themselves on the said hearing of all and every right, title or claim which they may have to the said premises, or any part thereof, whether derived from the said patent or otherwise.

CHAP. LXXXI.

An ACT to fix the place of the Banking-House and Office of Discount and Deposit of the Bank of America.

Passed June 8, 1812.

WHEREAS the act, entitled "an act to incorporate the stockholders of the bank of America," contains no express provision for locating the said bank : And whereas the applicants for said act, by their agents, Henry Post, junior, and George Newbold, while the said act was under consideration, and before the same was passed, did, by an instrument in writing, consent and agree that a supplementary law be passed fixing the office of discount and deposit of said bank in the city of New-York, and restraining the said banking company from establishing branches elsewhere in this state : And whereas it is expedient to restrict the same accordingly : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the banking-house and office of discount and deposit of the bank of America be established in the city of New-York, and that it shall not be lawful for the president and directors of the said bank to establish branches or subordinate banking-houses in any other part of this state.

CHAP. LXXXII.

An ACT to incorporate the Stockholders of the Dutchess county Slate Company.

Passed June 8, 1812.

WHEREAS David Van Ness, Philip I. Schuyler, Christian Schell, Nathan Conklin, jun. John Radcliff and Robert Thompson, have by their petition set forth, that a slate quarry in the town of North-East, in the county of Dutchess, (at present occupied and possessed by the aforesaid John Radcliff and Robert Thompson for a term of years,) hath for some time past been in operation, that the aforesaid commissioners wishing to form a company, and having re-

Preamble.

requested that the legislature would pass an act incorporating the said petitioners and their associates, for the purpose of enabling them to carry on the manufacturing of slate to advantage : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That David Van Ness, Philip I. Schuyler, Christian Schell, Nathan Conklin, jun. John Radcliff and Robert Thompson, and all others who are or shall become subscribers or associates for the purposes of this act, shall, and they are hereby, together with their assigns and successors, established and made a body corporate and politic, for the purposes of conducting a slate quarry and of manufacturing slate, in the town of North-East, in the county of Dutchess, and for no other purpose whatever, by the name of "The Dutchess County Slate Company of the State of New-York;" and are hereby ordained, constituted and declared to be, for and during the term of twenty-one years, a body politic and corporate, in fact and in name, and that by that name they and their successors shall be, and are hereby made able in law to purchase, take, hold, occupy, possess and enjoy, to them and their successors, any goods, chattels and effects, of whatsoever kind they may be, to the amount of ten thousand dollars: *And further,* Should the subscribers, associates, or stockholders, hereafter unanimously agree to purchase any lands, tenements or other hereditaments, then and in such cases and by that name, they and their successors shall be and are hereby made able in law to purchase, take, hold, occupy, possess and enjoy, to them and their successors, any such lands, tenements or hereditaments, of whatsoever kind the same may be, to the amount of fifteen thousand dollars, and the same to sell, demise, grant and dispose of: *Also,* to sue and be sued, plead and be impleaded, defend and be defended; answer and be answered unto, in any court of record or elsewhere; and the said corporation shall and may have and use a common seal, and may alter the same at their will and pleasure, and by such seal for

David Van
Ness and
others incor-
porated.

Their style
and corpo-
rate powers.

the time being, their proceedings, deeds and transactions, shall and may be certified and established.

Capital
stock.

II. *And be it further enacted,* That a share in said company shall be fifty dollars, and the number of shares shall not exceed two hundred; and in case the said stockholders should hereafter agree as aforesaid, to purchase lands, tenements or other hereditaments, to an amount not exceeding fifteen thousand dollars, that then and in such case, it shall and may be lawful for the directors for the time being, to assess and collect the same from the stockholders, in proportion to the number of shares by them subscribed or by them respectively held; and that David Van Ness, Philip I. Schuyler, Christian Schell, Nathan Conklin, jun. John Radcliff and Robert Thompson, are hereby appointed commissioners, who shall on or before the first Monday in September next, receive subscriptions for the stock of the said corporation, in such manner as they shall deem most expedient and proper, and that they the said commissioners shall, and are hereby fully authorised and empowered to call a meeting of the stockholders, as soon as the aforesaid sum of ten thousand dollars, or three-fourths thereof shall be subscribed for, at such time and at such place as they or a majority of them shall appoint, for the purpose of electing directors, as is hereinafter mentioned.

Commission-
ers to receive
subscriptions

Number of
directors.

III. *And be it further enacted,* That the stock, property and affairs of the said corporation, shall be managed and conducted by seven directors, one of whom shall be president, who shall hold their offices for one year, which directors shall be stockholders and citizens of the United States, and shall be elected after the first election on the first Monday in February, in every year, at such place within this state as a majority of the directors (who shall upon all occasions constitute a board for the transaction of business) for the time being shall appoint, and public notice shall be given by the said directors of the time and place of holding such election, for at least thirty days, in one of the newspapers printed in the city of New-York, and one in the county of Dutchess; and the said election shall be held and made by such of the stockholders of

the said company, as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders, and that the said election shall be by ballot, and that every stockholder shall be entitled to one vote for every share he holds, and the said election shall be decided by a majority of votes received at every such election; and the said directors shall, by a majority of votes, elect one of their number to be their president, and the directors first elected, shall continue in office until the first Monday in February, in the year one thousand eight hundred and thirteen.

IV. *And be it further enacted*, That the said president and directors for the time being, or a major part of them, shall have power and authority from time to time, to appoint and employ a treasurer, secretary, and such other officers, mechanics, workmen, artificers, laborers and servants as they may think proper, for the transacting of the business and concerns of the said company, and to pay them such wages and compensation for their services as they shall think fit, and to displace and discharge them at pleasure; and also to make and establish such by-laws, rules and regulations as they shall think expedient for the better management of the concerns, officers, mechanics, workmen, artificers, laborers and servants of the said corporation: *Provided always*, That such by-laws, rules and regulations, be not inconsistent with the constitution and laws of the United States or of this state; and to establish or alter such by-laws, rules and regulations at pleasure, and to declare and make dividends of the profits arising to the said corporation, by such business as they may lawfully follow and transact, among the stockholders, at least once in every year, and at such times and in such portions as to them shall seem meet, giving fifteen days notice of the same in two of the newspapers as aforesaid.

A treasurer, secretary and other officers may be chosen.

Provided:

V. *And be it further enacted*, That if it should happen that an election of directors should not take place in any year on the day herein for that purpose mentioned, the said corporation shall not for that reason be dissolved, but such election may thereafter be held on

The corporation shall not be dissolved if the election is not held on the day appointed.

such convenient day as may for that purpose be fixed on by the directors, they causing such public notice thereof to be given as is herein before required for an election on the days hereby designed for that purpose.

The accounts to be open at all times for the inspection of the stockholders.

VI. *And be it further enacted*, That the books of the said company, containing their accounts, shall at all reasonable times be open for the inspection of any of the stockholders of the said company who shall desire to examine the same; and on the first day of February yearly, and every year, a statement of the accounts of the said company shall be made, by order of the directors, which said statement shall be open at all reasonable times, for the inspection of any of the stockholders who shall desire to examine the same.

Vacancies may be filled by the directors in office

VII. *And be it further enacted*, That in case of the death, resignation or removal out of this state of any one or more of the directors of the said company, before the expiration of the term for which said director or directors were elected, then it shall be lawful for a majority of the remaining directors by ballot, to elect another director or directors, as the case may be, in the place and stead of the director or directors so dying, resigning, or removing, which said director or directors, so elected, shall be director or directors of the said company for the residue of the term for which the director or directors so dying, resigning or removing were to serve.

If two persons have an equal number of votes, how to be determined.

VIII. *And be it further enacted*, That if at any election of directors, it should happen that any two or more persons should have an equal number of votes, then and in such case, the directors for the time being, or a majority of them and by majority of votes determine which of the said persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number.

The directors may call in subscriptions.

IX. *And be it further enacted*, That the said directors may call in the subscriptions to the capital stock by instalments, in such proportions, and at such times and places as they may think proper, under the penalty of a forfeiture of all previous instalments, to rights and interests whatever in the said company, giving public notice thereof at least thirty days in the newspapers aforesaid.

X. *And be it further enacted,* That the shares in the stock of said company shall be deemed and considered to be personal property, and no transfer of shares or stock shall be valid or effectual until such transfer shall be entered in a book or books, to be kept for that purpose by the directors, and unless the person making the same shall have previously discharged all debts due by him or her to the said corporation.

Stock shall be deemed personal property.

XI. *And be it further enacted,* That if on any anniversary day of election for directors, the stockholders owning four-fifths of the whole amount of the stock subscribed, shall vote to discontinue the business of said corporation, it shall be the duty of the said directors, as soon as may be, to dispose of the property of said corporation, and to collect all the debts due to the said corporation, and after deducting therefrom and paying all the debts which the said corporation may owe, they shall make an equal division of the remainder of the property of the said corporation, according to the number of shares each stockholder may own at the time, and shall cause the same to be paid over to each of the stockholders, whereupon the said company shall be dissolved.

Four-fifths of the stockholders may vote to discontinue the business.

XII. *And be it further enacted,* That for all debts that shall be due and owing by the said company, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, on any suit or action to be brought or prosecuted after the dissolution of the said corporation: *And provided also,* That nothing contained in this act shall be construed to authorize or empower the said corporation to use their or any part of their funds, in any banking transactions, or in the purchase of the stock of any bank in the United States, or any other public stock, nor for any other purpose whatsoever than what is prescribed by this act.

At the dissolution of the corporation how debts are to be paid.

XIII. *And be it further enacted,* That this act shall be to all intents and purposes considered as a public act, and shall be construed and considered in all courts and places benignly and favorably for every beneficial purpose therein mentioned and contained.

This a public act.

CHAP. LXXXIII.

An ACT to amend an act, entitled "An Act to contract the limits of the Albany and Delaware Turnpike Company, and to Incorporate the Mountain Turnpike Company, and the Charlotte River Turnpike Company," passed March 7th, 1809.

Passed June 8, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Mountain turnpike road company to erect and establish one gate within five miles of the bridge, across the Schoharie kill, and to receive, take and collect from all and every person or persons travelling on the said road and passing through the said gate, the like tolls as are authorised to be received and collected at the gate on and across the said bridge over the said Schoharie kill, and that it shall and may be lawful for the company aforesaid, to erect and establish one other gate or turnpike at any point on the said road between the eleventh and fifteenth mile from the said bridge, and to take and receive thereat, one half of the several tolls authorised to be received and taken at the toll-gate on the said bridge over the said Schoharie kill, or they may, in connection with the president and directors of the Albany and Delaware turnpike company, erect and establish a gate at any point within ~~t~~ 10 miles of the eastern commencement of the said Mountain turnpike road, and take and receive thereat a rateable proportion of toll on the whole distance of both sections of the said roads, compared with the distance of ten miles, and the amount thus to be received shall be divided by and between the said companies in proportion to the length of the respective sections of the roads aforesaid.

II. *And be it further enacted*, That the president and directors of the Albany and Delaware turnpike may, in their discretion, alter the direction of the said turnpike road, so far forth as to conduct the same, at the sides or round the foot of any hill which it now crosses.

CHAP. LXXXIV.

AN ACT supplementary to the Act, entitled "*An Act for suppressing Vice and Immorality.*"

Passed June 8, 1812.

WHEREAS experience has demonstrated that the law for suppressing vice and immorality has not produced the desired effect, particularly with respect to persons who interrupt or disturb any assembly of people met for religious worship: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That if any person or persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time, shall wilfully, and of purpose, disquiet, interrupt or disturb any assembly of people met for religious worship, by making a noise, or by rude and indecent behaviour, or profane discourse either within their place of worship or out of it, so near as to disturb the order and solemnity of the meeting, or exhibit any shows or plays, or promote or aid any horse-racing or gaming of any description, or expose to sale any ardent or distilled liquors whatever, upon any part of any highway within the distance of one mile from the place where any such religious society shall be actually assembled for public worship, or shall obstruct the free passage of any highway within the distance aforesaid of any place of public worship, then every person so offending, and being thereof legally convicted before any justice of the peace of the county, or any mayor, recorder or alderman of any city, where the offence shall be committed, shall for every such offence forfeit and pay to the use of the poor of the town or city where such offence shall be committed, a sum not exceeding twenty-five dollars; and in case any person convicted of any of the offences aforesaid, shall not immediately pay the sum so forfeited, with the charges of such conviction, or give security to the satisfaction of the said justice, mayor, recorder or alderman before whom such conviction shall be had, for the payment thereof within twenty days thereafter, every such offender shall, by warrant, under the hand and seal of

such justice, mayor, recorder or alderman, be committed to the common gaol of the said city or county where the offence shall be committed, for a term not exceeding thirty days.

II. *And be it further enacted*, That all judges, mayors, recorders, aldermen and justices of the peace, upon the view of any person or persons offending as aforesaid, are hereby authorised to order the said offender or offenders into the custody of any officer herein after named, or any official member of the church or society so as aforesaid assembled, for safe keeping until he shall be let to bail, or a trial for such offence can be had according to law: *And further*, It shall be the duty of all sheriffs, coroners, marshals, constables and bailiffs, who shall or may be present at the public worship of any religious society interrupted or disturbed in manner aforesaid, to apprehend any and every such person or persons so offending, and take him or them, as soon as conveniently may be, before any justice of the peace, mayor, recorder or alderman of the city or county wherein such offence shall have been committed, in order that the person or persons so offending may be dealt with according to law.

CHAP. LXXXV.

An ACT for the relief of Religious Corporations.

Passed June 8, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That no religious corporation shall be dissolved for any neglect hitherto to exhibit an account or inventory of its real and personal estate, and the annual income thereof, pursuant to the direction of the ninth section of the act, entitled "an act to provide for the incorporation of religious societies:" *Provided*, such account or inventory shall be exhibited within one year after the passing of this act.

No religious corporation shall be dissolved for neglecting hitherto to exhibit an account of its estate.

Provide.

II. *And be it further enacted*, That hereafter no religious corporation shall be dissolved by reason of any neglect to exhibit an account or inventory as aforesaid,

within the periods limited by the above recited act, in case such an account or inventory shall be exhibited in the mode designated by the said act, within six years after such neglect: *Provided*, The chancellor or judge to whom such account or inventory shall be exhibited, shall indorse thereon a certificate that he is satisfied that the annual revenue arising from the real and personal estate of such corporation does not exceed the sum which by law it is allowed to receive.

Hereafter no religious corporation shall be dissolved for neglect if an account of its estate is rendered in 6 years after the time limited.

Proviso.

III. *And be it further enacted*, That it shall be lawful for the ministers, elders and deacons of the Reformed Dutch church in the city of Albany, to have, hold and enjoy, lands, tenements, goods and chattles, of the yearly value of ten thousand dollars, any former restrictions or limitations to the contrary notwithstanding: *Provided always*, That the said minister, elders and deacons, shall render an account of their annual revenue in the manner prescribed by this act, and the act herein first above recited.

Ministers, elders and deacons of the Reformed Dutch church in Albany authorized to have a revenue of 10,000 dollars yearly.

IV. *And be it further enacted*, That whenever any religious corporation shall be dissolved by means of any non-user or neglect to exercise any of the powers necessary for its preservation, it shall be lawful for the religious society which was connected with such corporation to re-incorporate itself in the mode prescribed by the first above recited act, and that thereupon all the real and personal property which did belong to such dissolved corporation at the time of its dissolution, shall vest in such new corporation for the said society.

When a religious corporation is dissolved by reason of neglect the society connected therewith may re-incorporate themselves.

V. *And be it further enacted*, That no religious corporation shall be dissolved for having held or hereafter holding elections of church officers on days before or after any moveable feast observed by such church, (the intervening time between such elections being more than a solar year): *Provided*, Previous public notice be given to the congregation of the time and place of holding such elections.

CHAP. LXXXVI.

An ACT *for the relief of Myndert Wemple.*

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office to grant to Myndert Wemple, of the town of Lenox, in the county of Madison, the right, title and interest of the people of this state to eighteen acres of the south part of lot number eighty, in the late Oneida reservation, in said town of Lenox, which is adjacent to the lot on which said Wemple resides; the north of said eighteen acres to be parallel to the north line of said Wemple's lot, at such price as shall appear by satisfactory proof to be the fair value of the same, exclusive of any improvements made thereon, on his paying one eighth part of the consideration money into the treasury of this state, and executing his bond and mortgage of the premises for the residue, payable in six annual installments, with interest at six per cent. per annum.

CHAP. LXXXVII.

An ACT *to authorise the raising of Money for building a Bridge over the Ausable River.*

Passed June 8, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Essex, and the supervisors of the county of Clinton, be and they are hereby authorised and required to raise, at their next annual meetings respectively, two hundred dollars in each of their respective counties, in the same manner as the other necessary and contingent charges are raised, levied and collected, for the purpose of building a bridge over the great river Ausable, so called, at a place known by the name of Adgate's Falls; and the money so raised shall be paid over to Mathew Adgate, Elisha I. Winter and John Macumber, who are hereby appointed commissioners to superintend the ex-

penditure of the same, for the building of said bridge, who shall, on receiving the said money, execute a bond to the treasurer of their respective counties, for the benefit of the people thereof, in the penal sum of double the amount of the monies received, conditioned for the faithful expenditure of the same for the building of the said bridge.

CHAP. LXXXVIII.

An ACT to amend an Act, entitled "*An Act to divide the Town of Kingston, in the County of Ulster, and for other purposes.*"

Passed June 8, 1812.

WHEREAS it appears that a mistake has arisen in describing the division line between the towns of Kingston and Saugerties, in the act hereby amended, for remedy whereof—

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the division line between the towns of Kingston and Saugerties shall begin where the line between the seventh and Flatbush classes of the division of the commons of Kingston extended, south sixty-six degrees east, will strike Hudson river, from thence to run along said line to the Esopus Kill, thence up the middle of said Kill to the mouth of the Plattekill, and up the middle thereof to the division line of the second and third classes of the division of the commons aforesaid, thence along the same, and to continue the same course through the south west class to the east bounds of the town of Woodstock, any thing in the act hereby amended to the contrary notwithstanding.

The division line between Saugerties and Kingston altered.

II. *And be it further enacted,* That the said towns of Kingston and Saugerties shall each of them respectively bear an equal proportion of the expenses of keeping in repair the bridge across the said Plattekill, on road from Kingston to Albany, at or near the use of Nicholas De Myer.

Bridge across the Plattekill how to be kept in repair.

III. *And be it further enacted,* That all that part of county of Delaware which is situate to the south

Part of Delaware added to Ulster county.

or south west of the following lines, to wit : Beginning where the division line between the counties of Ulster and Delaware crosses the south westerly bounds of great lot number eight, in the Hardenbergh patent, and running from thence on a course north forty degrees east, to the south westerly bounds of lot number five, in the subdivision of great lot number eight aforesaid, thence the same course continued twenty-four chains, and from thence on a straight line to a point where the division line between Ulster and Delaware crosses the north easterly bounds of lot number six, in the sub-division of the said great lot number eight, shall be and the same is hereby annexed to the town of Shandaken, in the county of Ulster.

CHAP. LXXXIX.

An ACT for the preservation of Trout in the Towns of Hillsdale and Claverack, and for other purposes.

Passed June 8, 1812.

Persons prohibited from catching trout otherwise than by angling in Hillsdale and Claverack.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first day of September next, no person or persons shall take or catch, or cause or procure to be taken or caught, in any river, stream, kill, creek, brook or pond, within the towns of Hillsdale and Claverack, in the county of Columbia, any of the species of fish called trout, with or by means of any net, ware, spear, harpoon or decoy of any kind, or in any manner whatever, other than with the hook and line, or by some manner of angling therewith.*

Penalty for transgressing against this act.

II. *And be it further enacted, That if any person shall take and catch, or cause or procure to be taken and caught, any trout, against the true intent and meaning of this act, such person or persons shall forfeit and pay for every trout so by him or them taken and caught, or so by him or them caused and procured to be taken and caught, the sum of one dollar, to be recovered with costs of suit, in any court having cognizance thereof, in any proper action, by any person who shall prosecute for the same.*

III. *And be it further enacted*, That from and after the passing of this act it shall not be lawful for any person to draw any seine, set any net, or spear any fish, within the waters of Lake George, or at the outlet of the creeks emptying into the same; and every person offending therein shall for every such offence forfeit the sum of ten dollars, to be recovered with costs, in any court having cognizance thereof, in an action of debt, the one half of which forfeiture, when recovered, shall be paid to the overseers of the poor of the town where such offence was committed, for the use of the poor thereof, and the other half to the person prosecuting the same to effect.

Fishermen prohibited from using nets, &c. to catch trout in Lake George.

CHAP. XC.

An ACT to designate and establish the Boundary Line between this State and the State of Vermont.

Passed June 8, 1812.

WHEREAS it is represented to the legislature that the boundary line between this state and the state of Vermont has not been designated by permanent marks or monuments: And whereas it is necessary, in order to prevent litigation between the citizens of the said states, that the said line should be plainly designated and finally established: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Smith Thompson, Simeon De Witt and George Tibbits, Esquires, be and they are hereby appointed commissioners on the part of this state, to meet such commissioners as may be appointed by or on the part of the state of Vermont, at any time and place which may be agreed on by the said commissioners jointly, and to designate by permanent monuments the said boundary line, as nearly as may be practicable, according to the description thereof, in an instrument bearing date the seventh day of October, in the year of our Lord one thousand seven hundred and ninety, executed by the commissioners empowered to declare the consent of the legislature of this state to the formation of the

Commissioners to fix the boundary line between this state and Vermont.

territory therein described into a new state, by the name of the state of Vermont; and that the line which shall be so designated shall be the permanent boundary line between this state and the said state of Vermont.

A copy of this act shall be sent to the Governor of Vermont.

II. *And be it further enacted*, That the person administering the government of this state shall without delay transmit an authentic copy of this act to the governor of the said state of Vermont, to be submitted to the legislature thereof; and solicit the appointment of commissioners on the part of that state for the purposes herein above expressed.

The commissioners shall file in the secretary's office a description of the line established.

III. *And be it further enacted*, That the said commissioners shall respectively certify, and return under their hands and seals, a correct description of the line which they shall designate and establish as aforesaid, to the secretary of this state, to be entered of record in his office.

CHAP. XCI.

An ACT to amend an Act, entitled "*An Act relative to the Duties and Privileges of Towns.*"

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the freeholders and inhabitants of the several towns in this state, at their respective annual town-meetings, to make such provisions, and allow such rewards for the destruction of the noxious weed, commonly called the Canada thistle, as the major part of the freeholders and inhabitants so assembled at any such town-meeting shall deem necessary and proper; and the money so allowed for such rewards shall be raised and levied, together with and in the same manner as the money raised in such town for the destruction of noxious wild animals and birds.

CHAP. XCII.

An ACT *further to extend the time limited for the completion of the Fall-Hill Turnpike, and the Bridge across the Mohawk River, opposite the Village of the Little Falls, in the County of Herkimer.*

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited for the completion of a bridge across the Mohawk river, opposite the village of the Little Falls, in the county of Herkimer, and the turnpike road from the house of Ira Crane, in the town of Minden, Montgomery county, from thence on the most convenient place to the Mohawk river, opposite to a small store-house, the property of James Van Horn; from thence along the bounds of the Mohawk river to the house lately occupied by Henry A. Vrooman, in the town of German-Flatts, in the county of Herkimer; from thence on the most convenient place to the house of Samuel Abbot, be and hereby is further extended until the first day of June, in the year one thousand eight hundred and fourteen: *Provided*, That no person passing to or from public worship on Sundays, going to their common labor on their farms with their cattle or teams, or returning therefrom, going to or returning from mill for the grinding of grain for family use, or going to or returning from funeral, shall pay any toll at any gate erected on said road, or for passing said bridge, any thing in any former law to the contrary notwithstanding.

CHAP. XCIII.

An ACT *to authorise the Supervisors of the County of Niagara to raise Money by tax for the purpose of building a Jail-Yard, and for other purposes.*

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and and Assembly, That the supervisors of the county of Niagara be, and

they are hereby authorised to levy and raise by tax on the freeholders and inhabitants of said county, a sum not exceeding fifteen hundred dollars, and to apply the said money so to be raised in erecting a yard around the jail in said county, for securing more effectually persons confined in said jail, and also a house for the accommodation of the jailer, under the direction of the said supervisors, by superintendents to be appointed by the said supervisors for that purpose; and the said superintendents shall account to the said supervisors for all the disbursements and expenditures made by them in building said yard and house; and the said supervisors shall audit the account of the said superintendents, and cause the amount so audited to be paid out of the monies aforesaid.

XCIV.

An ACT to annex the Town of Wolcott, in the County of Seneca, to the County of Cayuga.

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That all that tract of land included within the boundaries of the town of Wolcott, in the county of Seneca, be annexed to, and from and after the passing of this act, shall form a part of the county of Cayuga.

CHAP. XCV.

An ACT to alter the Terms of the Courts of Common Pleas and General Sessions of the Peace in and for the County of Columbia.

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the term of the said courts of common pleas and general sessions of the peace which has heretofore commenced on the second Monday of January in each year, shall hereafter commence on the last Monday of December in each year; and from and after the

day of July next, the terms of said courts which have heretofore commenced on the first Monday of June in each year, shall commence on the last Monday of May in each year.

CHAP. XCVI.

An ACT *altering the Division Lines between certain Towns in the County of Broome.*

Passed June 8, 1812.

WHEREAS it is represented to the legislature Preamble. by the supervisors of the several towns in the county of Broome, that many inconveniences result from the lines of division between several of the towns in said county, as now established, running through and dividing lots and tracts of land : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the passing of this act, the division line between the towns of Berkshire and Lisle, in said county of Broome, be as follows, to wit : Beginning at the north-west corner of lot number twenty-four, of the long lots north of and adjoining the grand division of the Boston purchase, thence running south on the line of division between said lot number twenty-four and lot number twenty-five to the north line of said grand division, thence on said north line to the north-east corner of lot number five hundred and ninety-three, in said grand division, thence on the west line of said lot to the south-west corner, thence on the parallel line to the north-west corner of lot number five hundred and sixty-eight, thence on the west line of said lot to the south-west corner thereof, thence on the parallel line to the north-west corner of lot number five hundred and fifty-three, thence on the west line of said lot to the south-west corner thereof, thence on the parallel line to the north-west corner of lot number five hundred and twenty-eight, thence on the west line of said lot to the south-west corner thereof, thence on the parallel line to the north-west corner of lot number five hundred and thirteen, thence on the west line of said

Division lines between Berkshire and Lisle altered.

Line between Union and Tioga altered.

III. *And be it further enacted*, That from and after the passing of this act the line of division between the towns of Union and Tioga shall be as follows, to wit: Beginning on the north-west corner of lot number one hundred and seventy-one, in the township of Nanticoke, thence running southerly on the line of lots to the south-west corner of lot number one hundred and twenty-one, in the same township, thence on the line of said lot number one hundred and twenty-one to the north-east corner of lot number one hundred and seventeen, in said township, thence southerly on the east line of the last mentioned lot to the south line of the Boston purchase, thence along said south line to the north-east corner of Coxe's patent, thence southerly along the east line of said patent to the south-east corner thereof, thence due south to the Pennsylvania line.

Line between Union and Chenango altered.

IV. *And be it further enacted*, That from and after the passing of this act, the division line between the towns of Union and Chenango, in said county, shall be as follows, to wit: Beginning at the line between the state of New-York and the state of Pennsylvania, at the south-east corner of the second tract in Sidney, called Hammond's patent, thence northerly along the east line of said tract to the south-west corner of lot number four, in said tract, thence along the division line between three and four on the east, and two and five on the west, in said tract, to the south line of Bingham's patent, thence along said line to the south-west corner of lot number seventeen, in said patent, on the south side of the river Susquehannah, thence northerly on the line of division between lots number seventeen and eighteen, in said patent, to said river, thence across said river to the south-west corner of lot number thirty-four, on said patent, thence northerly between lots number thirty-four and thirty-five to the south line of the Boston purchase, thence along said north line to the north west corner of lot number thirty-two, in the township of Chenango, in said purchase, thence north on the line of lots to the north-west corner of lot number one hundred and eighty-one, in said township of Chenango, thence east on the line of lots to the south-east corner of lot number one hundred

and seventy-nine in said township, thence northerly on the line of lots to the north line of said township, at the north-east corner of lot number forty-seven, thence on the north line of said township to the south-east corner of lot number six, in the grand division of said Boston purchase, thence north on the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number thirty-five, in said grand division, thence along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number forty-six, thence north along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number seventy-five, thence northerly along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number eighty-six, thence northerly along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number one hundred and fifteen, thence northerly along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number one hundred and twenty-six, thence northerly along the east line of said lot to the north-east corner thereof.

CHAP. XCVII.

An ACT for the Incorporation of the Village of Geneva, in the County of Ontario.

Passed June 8, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the freeholders and inhabitants qualified to vote for members of Assembly, resident within half a mile in a right line from any part of the public square in the village of Geneva, in the county of Ontario, shall be a corporation by the name and style of the Trustees of the Village of Geneva, and by that name they and their successors may have perpetual succession; shall be known in law; shall be capable of suing and being

Name and
style of the
corporation.

Line be-
tween Union
and Tioga
altered.

III. *And be it further enacted,* That from and after the passing of this act the line of division between the towns of Union and Tioga shall be as follows, to wit: Beginning on the north-west corner of lot number one hundred and seventy-one, in the township of Nanticoke, thence running southerly on the line of lots to the south-west corner of lot number one hundred and twenty-one, in the same township, thence on the line of said lot number one hundred and twenty-one to the north-east corner of lot number one hundred and seventeen, in said township, thence southerly on the east line of the last mentioned lot to the south line of the Boston purchase, thence along said south line to the north-east corner of Coxe's patent, thence southerly along the east line of said patent to the south-east corner thereof, thence due south to the Pennsylvania line.

Line be-
tween Union
and Chenango
altered.

IV. *And be it further enacted,* That from and after the passing of this act, the division line between the towns of Union and Chenango, in said county, shall be as follows, to wit: Beginning at the line between the state of New-York and the state of Pennsylvania, at the south-east corner of the second tract in Sidney, called Hammond's patent, thence northerly along the east line of said tract to the south-west corner of lot number four, in said tract, thence along the division line between three and four on the east, and two and five on the west, in said tract, to the south line of Bingham's patent, thence along said line to the south-west corner of lot number seventeen, in said patent, on the south side of the river Susquehannah, thence northerly on the line of division between lots number seventeen and eighteen, in said patent, to said river, thence across said river to the south-west corner of lot number thirty-four, on said patent, thence northerly between lots number thirty-four and thirty-five to the south line of the Boston purchase, thence along said north line to the north west corner of lot number thirty-two, in the township of Chenango, in said purchase, thence north on the line of lots to the north-west corner of lot number one hundred and eighty-one, in said township of Chenango, thence east on the line of lots to the south-east corner of lot number one hundred

and seventy-nine in said township, thence northerly on the line of lots to the north line of said township, at the north-east corner of lot number forty-seven, thence on the north line of said township to the south-east corner of lot number six, in the grand division of said Boston purchase, thence north on the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number thirty-five, in said grand division, thence along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number forty-six, thence north along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number seventy-five, thence northerly along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number eighty-six, thence northerly along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number one hundred and fifteen, thence northerly along the east line of said lot to the north-east corner thereof, thence along the parallel line to the south-east corner of lot number one hundred and twenty-six, thence northerly along the east line of said lot to the north-east corner thereof.

CHAP. XCVII.

An ACT for the Incorporation of the Village of Geneva, in the County of Ontario.

Passed June 8, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the freeholders and inhabitants qualified to vote for members of Assembly, resident within half a mile in a right line from any part of the public square in the village of Geneva, in the county of Ontario, shall be a corporation by the name and style of the Trustees of the Village of Geneva, and by that name they and their successors may have perpetual succession; shall be known in law; shall be capable of suing and being

Name and
style of the
corporation.

and qualified in their stead ; and the said treasurer and collector shall, before they enter upon the execution of the duties of their respective offices, severally give to the trustees of said village, for the use and benefit of the freeholders and inhabitants thereof, a bond, with two sufficient sureties, to be approved of by said trustees, or a majority of them, in the sum of one thousand dollars each, conditioned for the due execution of the duties of their respective offices, and faithful discharge of the trust reposed in them respectively ; and it shall be the duty of the said clerk, from time to time, to enter all rules and regulations, and proceedings of the said freeholders and inhabitants, in a book or books to be provided for that purpose by the said trustees, which books shall remain in the hands of the said clerk, and to be at all proper times open for the inspection of the freeholders and inhabitants of said village.

Notice of
meetings to
be given.

III. *And be it further enacted*, That the said freeholders and inhabitants, at their annual meeting to be held as aforesaid, and at such special meetings as the said trustees, or a majority of them, may think necessary to call, by giving notice thereof in the public newspaper printed in said village, if any such paper there should be, and by fixing a copy of such notice on the outer door of every tavern in said village, for at least six days previous to such meeting, are hereby authorised, from time to time, to make and establish such prudential rules and regulations as a majority of such freeholders and inhabitants so assembled, and having a right to vote as aforesaid, shall judge necessary and convenient for the better improving of their common estate, and for the application and expenditure of all monies to be assessed by virtue of this act, and also to ordain and establish such prudential rules and regulations relative to slaughter-houses, to the cleansing and keeping in order the common streets and highways in said village, and removing nuisances therefrom, and establishing, regulating, and improving side-walks therein, and also to make rules and regulations proper to compel the householders in said village to furnish themselves with a sufficient number of fire-buckets, and also to procure for the use of the said freeholders

Rules and
regulations
to be made.

and inhabitants one or more fire-engine or engines, together with the necessary appurtenant tools and implements for extinguishing fires, and also to make and pass rules and regulations relative to the duty of the fire-wardens, to authorise them to inspect all chimneys, stoves, stove-pipes and places where fire and ashes are usually kept in said village, and to direct in what manner, and at what time and times, the chimneys, stoves and stove-pipes shall be cleansed, and also to pass rules and regulations for the purpose of guarding generally against fire in the said village, and to impose, from time to time, such penalties on the offenders against such rules and regulations, or any of them, as a majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by the said trustees in their own names, with costs of suit, by action of debt before any justice of the peace residing within the town of Seneca, in the county of Ontario; and in any action or actions which may be brought for or against the trustees of said village, the freeholders and inhabitants of said village shall be, and they are hereby declared competent witnesses for either party in such action; which penalties, when collected, shall be paid into the treasury of the said village, for the use of the freeholders and inhabitants thereof.

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, and they are hereby required to appoint a sufficient number of firemen, not exceeding twenty in number, of the inhabitants of the said village, for each and every engine, to have the care, management, working and use of the said fire-engine or engines belonging to or which may belong to said freeholders and inhabitants, and also the tools and implements belonging and appertaining to the same, for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove all or any of the said firemen when and as often as they shall think fit, and to appoint others in their stead; and also to make, ordain and establish such rules and regulations for the government

Firemen
may be ap-
pointed.

of such firemen as to them shall appear necessary and proper.

The treasurer not to pay money but on an order of the trustees.

V. *And be it further enacted*, That the treasurer of said village shall not pay out of the treasury any monies belonging to the said freeholders and inhabitants, without an order, signed by the said trustees, or a majority of them.

Trustees and treasurer shall exhibit their accounts at the annual meeting.

VI. *And be it further enacted*, That the trustees and treasurer of said village shall annually, at the time and place of holding the elections aforesaid, exhibit an account of all monies received into or paid out of the treasury of the said village during the preceding year, specifying the several objects and purposes for which the same have been paid and applied.

Former laws repealed.

VII. *And be it further enacted*, That all former laws incorporating said village be, and the same are hereby repealed.

CHAP. XCVIII.

An ACT to amend the Act, entitled "*An Act to regulate Highways in the Counties of Suffolk, Queens, Kings and Richmond.*"

Passed June 8, 1812.

The commissioners of highways shall meet after the town meeting.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of highways for each town in the county of Richmond shall meet on the third Saturday after the annual town-meeting, at the place of town-meeting; that each of the overseers of the road-districts respectively shall, on or before that day, deliver a list, subscribed by such overseer, to either of the commissioners of the town of which he is overseer, which list shall contain the names of all the inhabitants in such road-district who are liable to work on the highways; and the said commissioners, or a majority of them, shall affix to the names of each person mentioned in such lists respectively, the number of days which such person shall be liable to work on the highways in the same year, to be determined by the commissioners in proportion to the estate and abil-

And determine the number of days each person shall work on the roads.

of each person; and the commissioners shall thereupon cause a copy to be made of such list, and after the said commissioners, or a majority of them, shall subscribe the copies of such list, cause the same respectively to be delivered to the overseers of the town who returned the same, in the manner herein before mentioned, or their successors in office, and shall cause the original to be filed in the office of the town clerk of the same town: *Provided always*, That if the name of any person shall be left out of such list, or there shall be an accession of new inhabitants, such persons whose names are omitted, or shall move in the town, shall, from time to time, be added to the said list, and the persons be rated by the said commissioners to work on the said highways: *Provided also*, That no person shall be assessed more than ten days, nor less than one day, in one year: *And further*, That not less than two-thirds of the days so assessed shall be worked out in each district before the fourth day of July in every year.

II. *And be it further enacted*, That all freeholders, and all free male inhabitants, being above the age of twenty-one years, shall be assessed to work on the public roads and highways: *Provided however*, That all ministers of the gospel and priests of every denomination whatsoever, and every old, lame, superannuated person or persons, not of ability to commute, shall be exempted from working on the highways.

III. *And be it further enacted*, That every person, subject by the preceding section to work on the highways, other than an overseer of highways, and who shall be assessed in manner aforesaid, shall work the whole number of days he or she shall be so assessed, or commute for the same at and after the rate of sixty-two and a half cents for each day; which money shall be paid to the overseer of the highways of the district in which the person paying the same shall reside, to be by the said overseer applied and expended in the improvement of the roads and bridges in the same district.

IV. *And be it further enacted*, That when it shall happen that a greater quantity of work is required to

keep in repair the said roads, than has been rated on the inhabitants in any of the road-districts in any town of said county, by the commissioners, at their annual town-meeting, agreeable to this act, then and in such case it shall be lawful for the overseers of roads in each district, and they are hereby required to make out another assessment, in the same proportion, as near as may be, not to exceed one-fourth of the number of days assessed before in the same year.

Another assessment may be made

Number of hours each person shall work in a day.

Provide.

V. *And be it further enacted*, That every person assessed to work on the highway, and who shall be warned to work, and shall appear in person, or by an able bodied man as a substitute, shall actually work eight hours in each day, and shall be liable to be fined in the sum of nine cents for every hour such person or substitute shall be in default, to be recovered and expended in like manner as the penalty for refusing or neglecting to work, when warned, is by the act hereby amended is directed to be recovered and expended: *Provided*, That no person shall be liable to the penalty aforesaid, nor the penalty in the twenty-first section of the act hereby amended, unless the overseer of highways shall give them at least twenty-four hours notice of the day and place where he or they are to appear to work on the highway.

Overseers of highways shall give a list to the town clerks of persons liable to work on the roads.

They shall pay to the town clerks all monies remaining in their hands.

VI. *And be it further enacted*, That each overseer of the highways, to be chosen or appointed hereafter, shall, on the last Saturday in March within the year for which he is elected or appointed, render an account, in writing, to the clerk of the town of which he is overseer, of all persons assessed to work on the highways in the district of which he is overseer; of all those who have actually worked on the road or highways, with the number of days they have so worked; of all those who have been fined, and the sums which they have been fined; of all those who have commuted; of the manner in which the monies arising from fines and commutations have been expended; and shall pay to the town clerk all monies remaining in his hands unexpended, to be applied in making and improving the roads and bridges in said town: and if any overseer shall neglect or refuse to render such

account, or having rendered such account, shall neglect or refuse to pay any balance which may then be payable by him, he shall forfeit the sum of fifteen dollars, to be recovered by the town clerk, or his successor in office, in his own name, by action of debt, in any court having cognizance thereof, with costs of suit, and the forfeiture, so recovered, shall be applied in manner aforesaid.

Penalty for neglect.

VII. *And be it further enacted*, That every overseer of highways who shall neglect or refuse to warn the people assessed to work on the highways, to come to work with such implements, carriages and cattle, as may be necessary, when required so to do by the said commissioners, or either of them, or to collect the monies that may arise from fines or commutations, or to perform any of the duties and services required by this act, or the act to which this is a supplement, he shall forfeit the sum of five dollars, to be recovered and applied as in and by the last preceding section is directed.

Penalty for neglecting or refusing to warn persons to work on the roads.

VIII. *And be it further enacted*, That it shall be the duty of the town clerk, on or before the first Tuesday in October in every year, to render an account, certified by him, to the supervisor of the town, of all monies he has received from the overseers, or for fines; and the town clerk shall pay over all such monies in his hands, upon the order of the supervisor of the town, which monies shall be applied and expended in making and repairing the roads and bridges of said town.

Town clerk shall render an account of monies received by them.

IX. *And be it further enacted*, That it shall not be the duty of the commissioners of highways to attend to lay out any new highway or road, or to alter those already laid out, except by the request of twelve freeholders of the town where the road is proposed to be laid out, in writing, to be produced to the commissioners, when notified: *Provided however*, Nothing herein contained shall prevent the commissioners, in their respective towns, to alter and regulate road-districts whenever it shall be necessary, and it is hereby made the duty of the commissioners to regulate the same; and the commissioners for making the assessment and

The commissioners shall not attend to lay out or alter a road without a request in writing.

Proviso.

regulating road-districts, shall be excused from working on the roads two days in each year; and every overseer shall retain in his hands seventy-five cents for each day he shall be actually employed on the highways more than he is assessed.

X. *And be it further enacted*, That all such parts of the act to which this is a supplement as are contrary to, or come within the purview of this act, be and they hereby are repealed.

.CHAP. XCIX.

An ACT to regulate the finances of the city of New-York.

Passed June 8, 1812.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, have, by their memorial to the legislature represented, that by reason of the great expenses which they have incurred in the erection of public buildings in the city of New-York, in the purchase of grounds for public purposes, in the opening, enlarging and improving streets, in constructing wharves and piers, and in consequence of various other improvements of a permanent nature in the said city, they have found the ordinary revenues of the corporation altogether inadequate to meet the demands which those expenses have produced, and that, they have, therefore, from time to time, been obliged to raise money by bonds under their corporate seal to defray some of those expenses, and have also given other bonds as a security for the payment of the residue thereof, representing further, that for the purpose of carrying into operation the plan, which has lately been made by the commissioners appointed by an act of the legislature, for laying out the said city in streets, avenues and public squares, a sum of money will become requisite, which they despair of being able to raise without legislative interference in their behalf; and praying that the legislature may pass an act permitting them to fund their present debt and provide for their future exigencies by creating a stock not exceeding nine hundred thou-

Emble

and dollars. And whereas the prayer of said memorial appears reasonable, and is the more especially proper to be granted, inasmuch as the interest of the state at large is intimately connected with the prosperity and improvement of the city of New-York, and that prosperity and improvement essentially depend upon and will be materially increased by a permanent arrangement of the finances of this city, and thus establishing the credit of the corporation on a solid basis : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of New-York, as soon as conveniently may be after the passing of this act, to create a public fund or stock, not exceeding nine hundred thousand dollars, and to be denominated "the New-York city stock," and that a proper book or books for receiving subscriptions to the said fund, be opened at such times and places as the common council of the said city, may from time to time direct and prescribe, to continue open each time so long as the said common council may direct, and until such sum as they shall direct shall be subscribed for : *Provided*, That all the sums so subscribed for shall not exceed in the whole the sum of nine hundred thousand dollars ; and the sums which shall be subscribed thereto, be payable at such times and places, and in such manner as shall, for that purpose, be prescribed by ordinances or resolutions of the said common council, and either in specie or in current notes of any bank or banks in the said city or in such of the bonds of the said mayor, aldermen and commonalty as may then be outstanding, according to the real value of the said bonds, after deducting such sums or demands as the said mayor, aldermen and commonalty may have a legal right to set off against the said bonds in cases where any such right may exist.

Public stock
may be created.

Proviso.

II. *And be it further enacted,* That for the said sum so subscribed and paid, the subscriber or subscribers shall be entitled to a certificate or certificates signed by the comptroller of the said city and countersigned

Certificates
to be given.

by such person as the common council may direct, in such form as the common council may prescribe, for a sum or sums which shall together be equal to the amount so subscribed and paid, and each and every such certificate to purport in substance as follows, to wit: That the mayor, aldermen and commonalty of the said city owe to such subscriber or subscribers, a sum to be expressed therein, not less however than one hundred dollars, bearing an interest not exceeding seven per cent. per annum, the said interest to be payable half yearly, or quarter yearly, as the said common council may see fit to direct, and the said principal not to be redeemable until fourteen years after the date of such certificate.

City comptroller to superintend the subscription.

III. *And be it further enacted,* That it shall be the duty of the said comptroller of the said city, to superintend the subscriptions to the said fund, to open books for the same, to issue the certificates above mentioned, to enter in books to be by him kept for that purpose, credits to the respective subscribers for the sums to which they shall be respectively entitled, to transfer the said credits from time to time, as shall be requisite to pay the interest thereupon, as the same shall become due, either by warrants to be prepared for the purpose, or in such other way as may be directed by the common council of the said city, and generally to observe and perform such directions and regulations as shall, from time to time, be prescribed to him by the said common council, touching the execution of his said office.

Stock, how transferable.

IV. *And be it further enacted,* That the said stock which shall be created by virtue of this act, shall be transferable only on the said books of the said comptroller, by the proprietor or proprietors of the said stock, his, her or their attorney, for that purpose duly qualified.

V. *And be it further enacted,* That the interest upon the said stock, as the same shall become due, shall be payable half yearly on the first day of May and on the first day of November, or quarter yearly on the first day of May, on the first day of August, on

the first day of November and on the first day of February, according to the terms of the said subscription or the agreement between the parties, and the certificate aforesaid, unless either of the said days shall happen to be Sunday, and in such case, the interest shall be payable the next day.

VI. *And be it further enacted*, That the persons entrusted by the common council with the execution of this act, shall, before they enter on the duties imposed upon them, become bound in such sureties and to such amount, as shall be satisfactory to the said common council, conditioned for the faithful execution of the said duties entrusted to them.

Persons entrusted with the execution of this law to give bonds.

VII. *And be it further enacted*, That nothing in this act contained shall be construed, in any wise, to abridge or impair the rights of those persons who now hold bonds of the said mayor, aldermen and commonalty of the city of New-York, who shall not subscribe to the said stock.

This act shall not impair the right of those who now hold bonds against the said corporation.

VIII. *And be it further enacted*, That the certificates to be issued, in manner aforesaid, though not under the common seal of the said mayor, aldermen and commonalty of the said city, shall be binding and obligatory upon the said corporation in like manner and with like force and effect, as though the same were issued under the said common seal.

Certificates binding on said corporation.

IX. *And be it further enacted*, That the faith of the said mayor, aldermen and commonalty of the city of New-York, shall be pledged for the final redemption and payment of the stock, which shall or may be created pursuant to the provisions of this act, and that all and singular the revenues of the said mayor, aldermen and commonalty, shall be and they are hereby pledged and appropriated for the payment of the interest which shall become due on the said stock, and shall continue so pledged until the final redemption of the said stock : and that in case the said revenues be not sufficient to satisfy and pay the whole of the said interest, then and in that case, the faith of the state shall be and the same is hereby pledged to pass such act and acts as shall from time to time be necessary, authorising the mayor, recorder and aldermen of the said

Redemption of stock.

city, to raise by tax, on the estates real and personal of the freeholders and inhabitants of and situate within the said city, such sum and sums of money as shall and may be requisite to supply any and every such deficiency.

CHAP. C.

An ACT to repeal a part of the act, entitled "an act to establish a board of wardens for the port of New-York, and for the regulation of the pilots and pilotage of the said port, and for other purposes."

Passed June 8, 1812.

WHEREAS the sixteenth section of the act, entitled "an act to establish a board of wardens for the port of New-York, and for the regulation of the pilots and pilotage of the said port," so far as the same applies to or affects vessels belonging to citizens of the United States, or the masters, consignees or owners of such vessels, is deemed inexpedient and improper : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That the said sixteenth section of the said act, so far as the same may relate to or affect any vessel belonging to a citizen or citizens of the United States, or any master, owner or consignee of any such vessel, be and the same is hereby repealed.

II. *And be it further enacted,* That from and after the passing of this act, the commissioner of excise for the city and county of New-York, for the time being, shall be entitled, for his services, to the sum of seven hundred and fifty dollars per annum, instead of the compensation now allowed by law ; which it shall and may be lawful for him to retain out of the monies which shall or may come into his hands from the duty of excise aforesaid : and further that the said commissioner shall keep an account of the persons to whom licenses shall be granted in the said city and county, and of the sums by each of the said persons paid therefor, and file the same with the chamberlain of the said city, on or before the last day of April, in every year.

CHAP. CI.

AN ACT to divide the town of Warren, in the county of Herkimer.

Passed June 8, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of March, in the year one thousand eight hundred and thirteen, all that part of the town of Warren lying west of a certain line beginning at a maple tree which stands a small distance easterly from Abraham Lighthall's at the south-westerly corner of Young's patent; and from thence running north twenty-eight degrees east untill it strikes the north line of said town of Warren, at the distance of one hundred chains easterly of the north-westerly corner of Hendersons's patent on the north line thereof, shall be and hereby is erected into a town by the name of Columbia; and that the first town meeting shall be held at the house of Daniel I. Petrie, in said town. Columbia erected.

II. *And be it further enacted*, That all the remaining part of the town of Warren shall be and remain a separate town by the name of Warren; and that the next town meeting shall be held at the house of Warren Caswell, in said town.

III. *And be it further enacted*, That as soon as may be, after the tenth day of March, in the year one thousand eight hundred and thirteen, the supervisors and overseers of the poor of the towns of Warren and Columbia, notice being first given for that purpose, shall meet together and divide the money and the poor belonging to the town of Warren, previous to the division, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor. Poor & poor money divided.

CHAP. CII.

An ACT to divide the town of Caledonia, in the county of Genesee, into two towns.

Passed June 8, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in March, one thousand eight hundred and thirteen, all that part of the town of Caledonia, in the county of Genesee, comprehending the west part of said town, beginning on the south line of said town between lots number thirty-two and forty; and running thence north on said line to the north line of lots numbers twenty-five and thirty-three, of the forty thousand acre tract; from thence eastwardly on the south line of town number one, second range, to the south-east corner of lot number one hundred and sixteen of said town number one; thence north till it intersects the north line of the said town of Caledonia between lots numbers fifty-three and fifty-four, be and hereby is erected into a separate town by the name of Bellona, and that the first town meeting be held at the school-house, near Stoddard's mills, in said town.

Bellona erected.

II. *And be it further enacted*, That all the remaining part of said town of Caledonia, shall be and remain a separate town by the name of Caledonia, and that the next town meeting after the said first Monday in March, shall be held at the dwelling-house of Alexander M'Donald, in said town.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday in April, one thousand eight hundred and thirteen, the supervisors and overseers of the poor of the said towns of Caledonia and Bellona, on notice being first given for that purpose, shall meet together and divide the money and apportion the poor belonging to the town of Caledonia previous to the division, agreeable to the tax list, that each of the said towns shall forever thereafter respectively maintain their own poor.

Poor & poor money divided.

CHAP. CIII.

An ACT *for the relief of Ella Smith.*

Passed June 8, 1812.

WHEREAS it is represented to the legislature that from unavoidable accidents, Ella Smith, collector of taxes in the town of Caledonia, in the county of Genesee, was unable to settle with the county treasurer according to law : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the time be and hereby is extended to the first Tuesday in July next, for the said Ella Smith to settle with the treasurer of said county.

II. *And be it further enacted,* That the treasurer of the county of Genesee, shall and is hereby directed to settle with the said Ella Smith, collector of taxes in said county, and return the arrears of taxes due from non-residents to the Comptroller's office, agreeable to the act, entitled "an act for the assessment and collection of taxes," passed the 8th day of April, 1801."

CHAP. CIV.

An ACT *to divide the town of Batavia, in the county of Genesee, into five towns, and for other purposes.*

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tuesday in April next, all that part of the town of Batavia, in the county of Genesee, lying north of the division line between the thirteenth and fourteenth tiers of townships, in the first and second ranges of townships of land of the Holland land company, and north of the northern bounds of the Tonnawanta Indian reservation in the third and fourth ranges of said townships, shall be and hereby is erected into a town by the name of Ridgeway, and the first town meeting in the said

Ridgeway
erected.

town shall be held on the first Tuesday of April next, at the house of John G. Brown, in the Ridge Road.

II. *And be it further enacted*, That from and after the day preceding the said first Tuesday in April next, all that part of the said town of Batavia, bounded on the north by the northern bounds of the Tonnawanta Indian reservation; east by the meridian line between the second and third ranges of townships of land of the Holland land company; south by the division line between the tenth and eleventh tiers of said townships, and west by the meridian line between the fourth and fifth ranges of said townships, being the eastern bounds of the county of Niagara, shall be and hereby is erected into a town by the name **Pembroke**, and the first town meeting in the said town shall be held on the first Tuesday of April next, at the house of Josiah Lee.

Pembroke
erected.

III. *And be it further enacted*, That from and after the day preceding the first Tuesday in April next, all that part of the said town of Batavia, bounded north by township number twelve, in the second range of townships of land of the Holland land company; east by township number eleven, in the first range of said townships; south by township number ten, in the second range of said townships, and west by township number eleven, in the third range of said townships, shall be and hereby is erected into a town by the name of **Alexander**, and the first town meeting in the said town shall be held on the first Tuesday of April next, at the house of Samuel Latham, junior.

Alexander
erected.

IV. *And be it further enacted*, That from and after the day preceding the first Tuesday in April next, all that part of the said town of Batavia, bounded north by township number twelve, in the first range of townships of land of the Holland land company; east by the eastern transit meridian line; south by township number ten, in the first range of said townships, and west by township number eleven, in the second range of said townships, shall be and hereby is erected into a town by the name of **Bethany**, and the first town meeting in the said town shall be held on the first Tuesday of April next, at the house of Buel Brown.

Bethany
erected.

V. *And be it further enacted*, That from and after the day preceding the first Tuesday in April next, all the remaining part of the said town of Batavia, shall be and remain a separate town by the name of Batavia, and the first town meeting in the said town shall be held at the court-house in the village of Batavia.

VI. *And be it further enacted*, That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of the aforesaid towns shall, by notice previously given for that purpose, by the supervisors thereof, meet together and apportion the poor maintained by the said town of Batavia, and the poor money belonging to the same, previous to the division thereof, agreeable to the then last tax list, and that each of the aforesaid towns shall forever thereafter maintain its own poor.

Poor & poor money divided.

VII. *And be it further enacted*, That the annual meeting of the board of supervisors of the county of Chenango, shall in future be held on the last Monday in October in every year, any law to the contrary notwithstanding.

Supervisors of Chenango county to meet on the 1st October.

CHAP. CV.

An ACT for the relief of Stephen Haviland and others,

Passed June 8, 1812.

WHEREAS Stephen Haviland and others, in the year one thousand eight hundred and seven, did purchase of the people of this state, certain lands lying and being in the former town of Bristol, but now town of Broome, in the county of Schoharie: and whereas it is represented that the said purchasers are unable to make the payments now due the state: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller be, and is hereby directed, to allow the said purchasers and their assigns, six years after the passing of this act, for the payment of the principal moneys owing by them to the people of this state: *Provided*, That the said purchasers and their assigns shall

pay one half of the interest in arrear, on or before the first day of July next, and the residue in one year thereafter, and shall also pay the principal of their respective debts in six equal yearly installments, with interest at six per centum per annum.

CHAP. CVI.

An ACT to authorise the supervisors of the county of Rensselaer, to raise money by tax for the purpose therein mentioned.

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the supervisors of the county of Rensselaer, be and are hereby authorised and required to levy and raise by tax, on the freeholders and inhabitants of said county, a sum not exceeding fifteen hundred dollars, for the purpose of erecting and completing a fire-proof office for the use of the clerk thereof, on the land now owned by the said county in the village of Troy.

II. *And be it further enacted*, That Aaron Lane, William Bradley and Ruggles Hubbard, be and are hereby appointed commissioners for the purpose of superintending the building of said office, and the said supervisors are hereby required to audit and allow the accounts of the said commissioners, of such expenses as may accrue in erecting and completing said office.

CHAP. CVII.

An ACT appointing commissioners and making an appropriation of money for improving the road leading from the village of Angelica, in the county Allegany, to the village of Hamilton, in the county of Cattaraugus.

Passed June 8, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Moses Van Campen, of Angelica, Adam Hoops and Jedediah Strong, of Olean, be and are hereby appoint-

ed commissioners for the purpose of improving the road leading from the village of Angelica, in the county of Allegany, to the head of Union-street in the village of Hamilton, in the county of Cattaraugus, and down said street to the Allegany river, at the landing place next below the mouth of the Olean, and the superintendent of the Onondaga salt works is hereby required to pay to the said commissioners or their order, the sum of three thousand dollars, out of any public money that may be in his hands as superintendent of the Onondaga salt works, and the receipt of the said commissioners shall be his voucher therefor: *Provided however*, That previous to paying said money, said commissioners shall give to the comptroller of this state sufficient security that they will faithfully expend and account for said money, and the certificate of said comptroller shall be considered by said superintendent as proof that said commissioners have complied with the requisites of this act.

II. *And be it further enacted*, That each of the commissioners appointed by this act, shall be entitled to two dollars per day for each day they may be respectively employed in the discharge of the duties imposed upon them by this act, to be paid out of the aforesaid money.

CHAP. CVIII.

An ACT *granting to Terrence Donnelly the exclusive Right. for a limited period, of running Stages between Catskill Landing and Unadilla, in the County of Otsego.*

Passed June 8, 1812.

I *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Terrence Donnelly, his executors, administrators and assigns, shall have and enjoy, for the term of seven years from the passing of this act, the exclusive right of establishing and running so many stages, between the Catskill Landing, in the county of Greene, on the turnpike road leading from the aforesaid Landing to the dwelling-house of Abel Case, at Unadilla,

Terrence Donnelly may run a line of stages for 7 years.

in the county of Otsego, as shall be necessary for accommodating the passengers who shall from time to time apply for passages in such stages.

Penalty for
invading his
right.

II. *And be it further enacted*, That if any person shall in any manner violate, or invade the exclusive right hereby granted, such person shall for every such invasion or violation forfeit the sum of fifty dollars to the said Terrence Donnelly, his executors, administrators and assigns, to be recovered by him or them, in an action of debt, in any court of record within this state, with costs to be taxed.

He shall
furnish good
stage-wag-
gons.

III. *And be it further enacted*, That the said Terrence Donnelly, his executors, administrators and assigns, shall furnish and provide good and sufficient covered stages for the purpose aforesaid, which shall run at least once in eight days, at stated times, from Catskill Landing to Unadilla aforesaid, and back again; and shall not exact or receive from any passenger, for a passage in said stage, more than five cents per mile for every such passenger and fourteen pounds weight of baggage: *And further*, That for every one hundred and fifty pounds weight of baggage, transported in the said stage, it shall be lawful for the said Terrence Donnelly, his executors, administrators and assigns, to exact and receive the said sum of five cents per mile, and in that proportion for any greater or less quantity above fourteen pounds weight.

His fare.

Penalty for
not comply-
ing with this
act.

IV. *And be it further enacted*, That in case the said Terrence Donnelly, his executors, administrators or assigns, shall neglect or refuse, for the space of four weeks, to perform the duties aforesaid, according to the true intent and meaning of this act, this act, and every thing herein contained, shall cease and be absolutely null and void: *And further*, That it shall be lawful for the defendant, in any action which may be instituted for the invasion or violation of the exclusive right hereby granted, to plead the general issue and give evidence of such neglect and refusal, to be recovered in such action.

V. *And be it further enacted*, That nothing contained shall be construed to prevent or restrain any person or persons from travelling upon said roads in private carriages.

CHAP. CIX.

An ACT to amend an Act, entitled "*An Act for improving a Road leading from Lake Champlain, in the County of Clinton, to the Town of Chateaugay, in the County of Franklin, passed April 9th, 1811.*"

Passed June 8, 1812.

WHEREAS the legislature, at their last session, ^{Preamble} by an act, entitled "an act for improving a road leading from Lake Champlain, in the town of Plattsburgh, in the county of Clinton, to the town of Chateaugay, in the county of Franklin," authorised the raising of the sum of five thousand dollars, by lottery, to be laid out and expended on the said road in the said act mentioned, for the benefit and improvement of the same: And whereas the said county of Franklin forms a part of the northern frontier of this state, and the settlements therein are situated on the borders of a foreign territory, and at a great distance from the other settlements in this state: And whereas the road mentioned in the act aforesaid is the only channel of communication between the said county of Franklin and the interior of this state, and the same is wholly impassable at certain seasons of the year, and cannot at any time be travelled without great difficulty and danger: And whereas the drawing of the lottery, mentioned in the act aforesaid, in consequence of the priority of lotteries will be necessarily postponed to a distant period, and the convenience, welfare and safety of that section of the state, as well as the public interest, require that the facility intended to be given to the intercourse between the said frontier settlements, in the county of Franklin, and the interior of this state, by the improvement of the road aforesaid, should not be delayed: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the treasurer shall pay, on the warrant of the comptroller, to Peter Saily, Jonathan Griffin and James Ormsbee, commissioners appointed by the act aforesaid, the sum of five thousand dollars out of any monies in the trea-

The treasurer to pay 5000 dolls. to commissioners for making the road.

surey not otherwise appropriated, who shall, on receiving the same, execute a bond to the people of this state, with good and sufficient sureties, to be approved of by the comptroller, in the penal sum of ten thousand dollars, conditioned for the faithful expenditure of the same for the benefit of said road, and which bond shall be delivered to the comptroller of this state.

300 dolls.
shall be raised in Clinton
and Franklin to pay the
interest on
said sum.

II. *And be it further enacted*, That the supervisors of the county of Clinton, and the supervisors for the county of Franklin, shall raise by tax the sum of one hundred and fifty dollars in each of their respective counties, annually, at the time, and in the manner that the contingent charges of the said respective counties are raised, levied and collected; which shall be, when collected, paid into the treasury of this state, in payment of interest, on the said sum of five thousand dollars, until the same shall be refunded to the state out of the proceeds of the lottery aforesaid.

Other sums
shall be raised if necessary
to complete said
road.

III. *And be it further enacted*, That the supervisors of the counties of Clinton and Franklin be authorised to raise such other monies as they shall judge proper and necessary, in their respective counties, not exceeding seven hundred and fifty dollars annually, for two years, for the completion of said road.

All monies to
be raised
shall be laid
out on said
road by the
commissioners.

IV. *And be it further enacted*, That all the monies raised by subscription or tax, or that shall be hereafter raised by subscription, tax or otherwise, for the improvement of the said road, shall be laid out and expended for that purpose by the commissioners aforesaid; and the said commissioners shall have power to alter or straighten said road wherever they shall deem it advisable; and the said commissioners shall exhibit their accounts annually to the board of supervisors of the county in which they respectively reside, who shall allow them such sum as they shall judge reasonable for their services in the capacity of commissioners aforesaid.

CHAP CX.

An ACT *authorising the building of a Toll-Bridge over the Black River.*

Passed June 8, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for Russell Attwater and his associates, and their assigns, to build a toll-bridge over the Black river, at the place where the state road leading to Oswegatchie crosses the same, being at the head of the Long-Falls, in the town of Champion, in the county of Jefferson: *Provided always*, That the said bridge shall not be less than sixteen feet wide, with a strong railing on each side thereof, and shall be built in so substantial and workmen-like manner, as that laden carriages may safely travel thereon; and the said bridge shall be completed on or before the first day of November, in the year one thousand eight hundred and thirteen, and if not then so completed, the privileges hereby granted shall then cease and determine.

Russell Attwater and others may build a toll-bridge over the Black river.

II. *And be it further enacted*, That it shall be the duty of the person or persons authorised to erect the said bridge, as soon as the same shall be completed to give notice thereof to the commissioners of highways for the town of Champion, in the county of Jefferson, and it is hereby required of, and enjoined on the said commissioners, within fifteen days after such notice, to meet at or near the said bridge, and to examine the same; and if they, or a majority of them, shall deem the same to be properly constructed and completed, in manner aforesaid, then they, or a majority of them, shall subscribe a certificate thereof, and deliver the same to the person or persons authorised to build the said bridge.

When it is finished notice shall be given to the commissioners of highways of Champion.

Their duty.

III. *And be it further enacted*, That it shall and may be lawful for the said Russell Attwater and his associates, and their assigns, from and after the receipt of such certificate as aforesaid, to construct and erect a gate or turnpike on any part of the said bridge, and a toll-house adjacent thereto, and shall be and are hereby authorised, for and during the term of twenty years

Rates of toll.

from the passing of this act, to take toll from every person crossing the said bridge, at the following rates, and no more, to wit : For every cart or waggon, drawn by one horse, mule or ox, six cents ; for every cart or waggon, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of three cents ; for every stage-waggon, charriot, coach, coachee, phaeton, curricule or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse, six cents ; for every chair, sulkey or chaise, with one horse, twelve and an half cents, and for every additional horse, six cents ; for every horse rode, six cents ; for every horse led or driven, four cents ; for every sleigh or sled, drawn by two horses, oxen or mules, eight cents, and for every additional horse, ox or mule, four cents ; for every sleigh or sled, drawn by one horse, ox or mule, six cents ; for every score of cattle, horses or mules, twenty cents ; for every score of hogs or sheep, eight cents ; for every foot passenger, four cents : *Provided always*, That no toll shall be demanded from any person living within one mile of said bridge.

If the bridge shall be carried away by floods or injured, a certain time given to rebuild or repair it.

IV. *And be it further enacted*, That if at any time the said bridge shall be carried away, in whole or in part, by floods or otherwise, or shall become so out of repair as, in the opinion of a majority of the said commissioners of highways, that passing thereon with carriages shall be unsafe, then, and in every such case, the person or persons entitled to take such toll at such bridge, shall rebuild or repair the same within twelve months from the time the same was carried away, or deemed by the said commissioners to require repair ; and in default of such rebuilding or repairing within the time last aforesaid, the remains of such un-repaired bridge, with the gate, turnpike and toll-house, shall become the property of the people of this state, any thing in this act to the contrary notwithstanding.

CHAP. CXI.

An ACT to incorporate the *Wilberforce Philanthropic Association*.

Passed June 8, 1812..

WHEREAS certain persons, of African descent, Preside. have formed themselves into an association, in the city of New-York, by the name of the Wilberforce philanthropic association for the benevolent purpose of raising a fund to be exclusively appropriated to aid such of the members as shall, by sickness or infirmity, be incapable of following their usual employments, to assist the widows and orphans of deceased members, and for improvement in literature, and have, by their petition presented to the legislature, prayed for an act of incorporation : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That such persons as now are, or hereafter may become members of the aforesaid association, shall be and hereby are constituted, ordained and appointed, a body corporate and politic, in fact and in name, by the name and style of the "Wilberforce Philanthropic Association," and that by that name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of action or actions, suits, matters, and complaints and causes whatsoever ; and they and their successors may have and use a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name and style of the Wilberforce philanthropic association, shall be capable in law of purchasing, holding and conveying, any real or personal estate, for the use of the said incorporation : *Provided,* That the value of such real and personal estate shall not at any time exceed the sum of two thousand dollars per annum. Association incorporated.

II. *And be it further enacted,* That for the better carrying into effect the objects of the said incorporation, there shall be a president, a first and a second vice-president, a secretary, and three deputy-secretaries, Their style and powers. Officers may be chosen.

one treasurer and one librarian, and thirteen directors, who shall hold their offices for one year, or until others shall be elected in their room, and that such election shall be held annually, at such times and places as the said association by their bye-laws may direct, and that all the aforesaid officers shall be elected by ballot, by a majority of the members present at such election.

First officers

III. *And be it further enacted*, That Robert Sidney shall be the first president, Thomas A. Francis the first vice-president, Stephen Ashaby the first second vice-president, William Miller the first secretary, James Stevens, Andrew Smith and Thomas Sanders, the first deputy-secretaries, Thomas Sipkins the first treasurer, and Thomas Miller, senior, the first librarian, Robert F. Williams, Scipio White, James Jackson. John J. Butler, Philip Ward, Philip Murry, James Hammond, John McPherson, Benjamin Smith, John Williams, Henry Scott, John J. Johnson and James Williams Wells, the first directors, to hold their offices for one year, or until others are elected.

They may
make bye-
laws.

IV. *And be it further enacted*, That the said association, and their successors, shall have power to make and establish bye-laws, and to alter and amend the same as they from time to time shall judge proper, for all the purposes for which the said association is by this act constituted: *Provided*, That such bye-laws be not repugnant to the constitution and laws of the United States or of this state.

Proviso.

This act to
continue for
15 years.

V. *And be it further enacted*, That this act shall be and remain in full force and virtue for the term of fifteen years, and no longer: *Provided*, That nothing herein contained shall be construed to prevent the legislature, at any time in their discretion within the period aforesaid, from altering or repealing this act.

This a public
act.

VI. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts favorably and benignly for every beneficial purpose therein contained.

CHAP. CXII.

An ACT to Incorporate the Mount-Hope and Lumberland Turnpike Company.

Passed June 8, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That James Finch, junior, Elisha Reeve, William A. Cuddeback, William Young, junior, Richard Penney, Charles Murray, Thomas Everson and Lebeus Godfrey, and such others as shall associate for making a good and sufficient turnpike road, to begin on the Minisink and Montgomery turnpike road, between the dwelling-house of Doctor Benjamin B. Newkerk and the store occupied by Benjamin Dodge, in the town of Wallkill, from thence on the most eligible route to cross the Shawangunk mountain, at the pass near Jonathan Sanes, in the town of Deer-Park, and thence to or near the Bush-kill Landing, on the Neversink river, in the county of Sullivan; from thence on the most eligible route to the Big-Eddy or Narrows, on the Delaware river, or to intersect the contemplated turnpike road from Big-Eddy to Snook's bridge; over the Neversink river, as is most eligible, so as to promote the interest of the public and of this corporation, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of "the Mount-Hope and Lumberland turnpike road company," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever,

James Finch junior, and others incorporated.

Their style and powers.

Amount of
stock.

II. *And be it further enacted,* That the stock of the said company hereby incorporated shall consist of one thousand four hundred shares, of twenty-five dollars each, and that Oliver Caulkin, William A. Cuddeback, Charles Murray, William A. Stoaks and Benjamin Woodward, shall be and are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies, passed the 13th day of March, 1807."

Rates of toll.

III. *And be it further enacted,* That the company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on the said road, from all persons travelling and using the same, for every ten miles, and so in proportion for any greater or less distance, the following rates of toll: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents; for every horse and rider, six cents; every led or driven horse, four cents; for every sulkey, chair or chaise, with one horse, twelve and an half cents; for every cart or waggon, drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty cents; for every stage-waggon or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half, and three cents for every additional horse, mule or ox; for every sleigh or sled drawn by two horses, mules or oxen, six cents; and every sleigh drawn by one horse or mule, four cents, and in like proportion for a greater or less number of horses, mules or oxen: *And further,* The said company shall be entitled to exact and receive one half of the before mentioned rates of toll from persons crossing over the bridge over the Neversink river, when the same shall be completed, likewise two cents from all foot passengers crossing the same over and above the other toll.

Privileges of
the company

IV. *And be it further enacted,* That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regu-

lations contained in said act, except that the chord of the arch of the road to be wrought be twenty-two feet, and the number of directors to be seven.

CHAP. CXIII.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Cherry-Valley, in the County of Otsego.

Passed June 8, 1812.

1. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, the district of country contained within the following bounds, to wit: Beginning at the north side of a bridge across Cherry-Valley creek, on the second great western turnpike road, near the dwelling-house of Jerome Clark, and in the line between lots number forty-nine and fifty, in the sub-division of a tract of land granted to John Lindsey and others; thence on a line parallel to the head line of said lots north fifty-five degrees west, sixteen chains and fifty links, to a stake; thence north thirty-five degrees east, twenty-four chains and seventy links, to a bridge on a small creek on the third great western turnpike road; then north-easterly in a direct line to the northerly corner of lot number forty in the aforesaid tract; thence south fifty-five degrees east, along the south bounds of a road called the range road, forty-seven chains and ten links, to the northerly corner of lot number forty-two in said tract; then south thirty-five degrees west, forty-four chains, along the division line between lots number forty-one and number forty-two, in the said tract, to the southerly corner of said lot number forty-two; thence in a direct line to a stake and stones, standing south fifty-five degrees east, eight chains, from the said first mentioned bridge; then in a direct course to the place of beginning, be known and distinguished by the name of "the Village of Cherry-Valley;" and the freeholders and inhabitants who are qualified to vote at town-meetings, who may from time to time reside within the aforesaid lim-

Bounds of
the village.

its, may, on the second Tuesday of September next, meet at some proper place, to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said second Tuesday of September, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess the several powers and rights herein after specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes duly elected trustees; and on every second Tuesday of May after the first election of the trustees, there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

Powers and
privileges
thereof.

II. *And be it further enacted*, That the freeholders and inhabitants, residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name and style of "the Trustees of the Village of Cherry-Valley," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, causes or complaints whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding or conveying any estate, real or personal, for the use of the said village, and of erecting any buildings, digging any reservoirs for water, for the use of the said village, and to make any other improvement or regulations in said village that the said trustees, or a majority of them, may from time to time deem necessary: *Provided*, That no purchase of any real estate, and no public building or re-

servoir be erected, made or disposed of, without the consent of the freeholders and inhabitants, or the major part of them, in open and legal meeting first obtained.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, by this act to be chosen, and for their successors in office forever from and after the second Tuesday of September next, to make, ordain, constitute and publish, such prudential bye-laws, rules and regulations, as they from time to time shall deem proper, and such particularly as are relative to the streets, alleys and highways of the said village, and clearing, filling up, paving, keeping in order and improving the same; relative to preventing or extinguishing fires in the said village; relative to the restraining geese, swine or cattle of any description; relative to nuisances generally, and relative to any thing whatsoever that may concern the public good government of the said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision that may be offered for sale.

The trustees shall make bye-laws, rules, &c.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said village qualified to vote for trustees as aforesaid, at their annual meeting, or at any other meeting duly notified, shall, and they are hereby authorised and empowered to choose one treasurer and one collector, being freeholders of said village, and the person having the greatest number of votes for each office respectively shall be deemed duly elected; and in case a vacancy shall happen in either of the above offices respectively, the trustees shall have power of supplying such vacancy until the next public meeting: *Provided*, That the vacancy shall be supplied within ten days from the time it shall happen, and the person supplying it shall be liable to the same penalties and restrictions as if duly elected at a public meeting.

A treasurer may be appointed.

V. *And be it further enacted*, That the said trustees, treasurer and collector, shall, before they proceed to execute their respective offices, and within ten days

Officers of the corporation shall take an oath.

after their election respectively, take and subscribe an oath or affirmation before any justice of the peace of the county of Otsego, for the faithful execution of the office or trust in which they may be severally elected; *Provided nevertheless*, That the said treasurer and collector, before they shall take such oath or affirmation, respectively give security to the trustees of said village for the faithful discharge of their respective offices, in such sums as a majority of the said trustees shall deem sufficient.

Firemen
may be ap-
pointed.

VI. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty firemen out of the inhabitants of said village, and the same, or any of them, to remove at their pleasure, and to appoint others in their stead; to regulate the times of meeting and exercises of said company of firemen, and to appoint their captain and other officers, and to make such bye-laws, rules and regulations, for such company, and inflict, ordain and establish, such penalties for the breaking or disobeying such bye-laws, rules and regulations, as they may deem expedient: *Provided*, That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any once offence, and that the trustees shall have the power of remitting such fine or penalty whenever a majority of them deem it proper.

Monies may
be raised for
contingent
expenses.

VII. *And be it further enacted*, That it shall and may be lawful for the said freeholders and inhabitants, at their annual meetings for electing trustees, to raise a sum, not exceeding two hundred and fifty dollars in any one year, to discharge and pay the expenses for digging and making reservoirs for water; for repairing and keeping in repair the streets in said village; for purchasing and keeping in repair fire-engines, buckets, and other instruments and utensils convenient and necessary for extinguishing fires, and for making any other improvements in said village which a majority of the said freeholders and inhabitants shall deem proper and necessary; and that the said trustees shall apportion the sum so to be raised amongst the said freeholders and inhabitants, in proportion to the advantages which the said trustees, or a majority of them,

shall deem to result to each from any such repairs, improvements, instruments or engines : *Provided*, That if any person shall deem himself or herself aggrieved by any such assessment, it shall be lawful for any such person to appeal from the determination of the said trustees to any three justices of the peace in the county of Otsego, giving notice to the said trustees of such appeal, and of the time and place for determining therein by such justices, who shall hear the same, and do therein what to justice shall appertain.

VIII. *And be it further enacted*, That the trustees, ^{The trustees shall choose a president.} within ten days after their election, or a major part of them, shall, and it is hereby made their duty to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some other suitable person to be a clerk to the said board of trustees ; and it shall be the duty of the president, when present, to preside at the meeting of the trustees ; to order extraordinary meetings of the trustees whenever he may conceive it for the interest of the village ; to hear and receive complaints of the breach of any of the laws of said village ; to see that the bye-laws, rules and regulations, of said village are enforced and faithfully executed ; to prosecute, in the name of the trustees, all offenders against, or violations of the bye-laws ordained and published as aforesaid ; to keep the seal of the said corporation, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper ; and in case of the death, absence or inability of the president to discharge the duties of the office, it shall be the duty of the clerk to notify the other trustees of such death, absence or inability, who shall, within ten days thereafter, meet and elect another president out of their body, with the like rights, privileges and duties, as his predecessor, to hold the office until the next annual meeting ; and it shall further be the duty of the president to take care of, protect and provide for the preservation of all property belonging to the said village as a corporation ; to preside over all public meetings of the villagers, and to do all such other acts and ^{His duty.}

Duty of the clerk.

things as may be proper for the president of the trustees to do: and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations, as may be made by the freeholders and inhabitants of said village at their public meetings, and also to attend the meetings of the trustees, and record all the bye-laws, rules and regulations, passed by them; and the trustees may have the power of removing such clerk, and appointing another, or appointing any one pro tempore, in case of the absence of the clerk, as a majority of them shall agree.

Collector's duty.

IX. *And be it further enacted*, That the collector shall, within such time as shall be hereafter provided for by the bye-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village, or agreeably to the provisions of this act.

Notice to be given of public meetings.

X. *And be it further enacted*, That it shall be the duty of the president of the board of trustees to give notice to the inhabitants of said village of all public meetings, at least one week previous to such meetings, in such manner as a majority of the trustees may deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they shall think it necessary.

Trustees shall continue in office until others are chosen.

XI. *And be it further enacted*, That the trustees to be elected by virtue of this act shall continue in office, and be authorised and empowered to execute and perform all and singular the powers and duties in the said act contained, belonging to their office of trustees as aforesaid, until the second Tuesday of May next following after their election of trustees as aforesaid, and until a new election for trustees of said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee.

XII. *And be it further enacted,* That the said trustees, or a majority of them, may make, ordain and provide, such reasonable fines against the offender or offenders, for any breach or breaches of the bye-laws which they shall from time to time make, ordain and publish, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace in the said county of Otsego, or court having cognizance of the same, with costs of suit, by the said trustees, to and for the use of said corporation.

Fines may be imposed.

XIII. *And be it further enacted,* That this act is hereby declared to be a public act, and that the same shall be construed in all courts benignly and favorably for every beneficial purpose therein intended.

This act to be a public act.

CHAP. CXIV.

An ACT to divide the county of Tioga into Jury Districts, and for other purposes, therein mentioned.

Passed June 8, 1812.

I. *BE it enacted by the people of the state of New York, represented in Senate and Assembly,* That the judges and assistant justices in the county of Tioga, shall at their next term of the court of common pleas to be holden in and for the said county, on the first Tuesday of September next, divide the said county into two districts as nearly equal as may be convenient, and shall cause the said division to be entered on the minutes of said court, which entry shall designate each of said districts.

The county shall be divided into two districts

II. *And be it further enacted,* That the clerk of the said county shall, immediately after the division of the said county, in manner aforesaid, provide four jury boxes for said county, and shall mark on two of said boxes the name of one of the said districts, and on the remaining boxes the name of the other of said districts, and it shall be the duty of the said clerk to put the slips of paper containing the names of persons residing in each of the said districts, who are or shall be returned to him in pursuance of the act, entitled "an act for regulating trials of issues and for returning

The county clerk shall provide four jury boxes.

able and sufficient jurors," into one of the boxes belonging to the district in which such persons shall verally reside.

Jurors shall be taken from the district where the court shall be held.

III. *And be it further enacted*, That jurors for trial of issues in the circuit court, court of oyer and terminer and gaol delivery, and court of common pleas and general sessions of the peace, to be held in and for said county of Tioga, at any time after the first Tuesday of September next, shall be taken from one of the jury boxes belonging to the district in which either of the said courts is then next to be held, in the manner directed in and by the act herein recited, as if each of the said districts were separate and distinct counties, any thing in the said act to the contrary notwithstanding.

Courts to be held alternately at Elmira and Spencer.

IV. *And be it further enacted*, That it shall and may be lawful for the judges and assistant justices of the county of Tioga, to hold the said courts at the court-house in the town of Elmira, and at the court-house in the town of Spencer, alternately; and that the next September term of the said courts shall be held at the court-house in the town of Spencer, in said county.

Sheriff's mileage how to be calculated.

V. *And be it further enacted*, That it shall and may be lawful for the sheriff of the county of Tioga, to calculate his mileage from the house of Thomas Baker in the town of Chemung, in said county.

Prisoners how to be confined.

VI. *And be it further enacted*, That it shall and may be lawful for the sheriff of the county of Tioga to confine his prisoners in either of the said gaols in the said county: *Provided*, That the said gaols be in the opinion of the said sheriff, sufficient for that purpose: *Provided nevertheless*, That if both the said gaols shall be sufficient for the safe keeping of his said prisoners, it shall then be the duty of said sheriff to confine his said prisoner or prisoners in the gaol situated within the jury district whereof the said prisoner or prisoners may have been residents at the time that judgment was entered against him or them.

Proviso.

This act shall be in force for five years.

VII. *And be it further enacted*, That this act shall be in force for the term of five years from and after the passing thereof, and no longer.

VIII. *And be it further enacted*, That it shall be the duty of the clerk of the said county of Tioga, to appoint a deputy, who shall reside within two miles of the court-house, in the town of Spencer, in the said county of Tioga.

A deputy clerk shall reside in Spencer.

IX. *And be it further enacted*, That the fifth, sixth and last enacting clauses of the act, entitled "an act to appoint commissioners to fix the scite for a court-house and gaol in the county of Tioga, and for other purposes," passed February 17th, 1810," be and the same are hereby repealed.

Sections of a former act repealed.

CHAP. CXV.

An ACT *for the relief of the heirs of Chester Bunnel, deceased.*

Passed June 10, 1812.

WHEREAS John Brockelbank and Josiah Robinson, of the county of Ontario, administrators of the estate of Chester Bunnel, late of the town of Canandaigua, in the said county, deceased, and Anna Bunnel, of said town of Canandaigua, widow of the said Chester Bunnel, deceased, and Augustus Porter, of Cambria, in the county of Niagara, one of the grantors of the said Chester Bunnel, deceased, have presented to the legislature their petition, setting forth that the said Augustus Porter and Peter B. Porter, in the lifetime of the said Chester Bunnel, by a mistake, did convey by deed the north half of lot number forty-six, in township number nine, in the third range of townships, in the county of Ontario, instead of the north half of lot number fifty-six in said township, to the said Chester Bunnel, and that the personal property of the said deceased is not sufficient to pay the debts of the said deceased, therefore, praying that the said Augustus Porter and Peter B. Porter may convey the said north half of said lot number fifty-six, to Abner Bunnel, of said town of Canandaigua, in trust for the creditors and heirs of the said Chester Bunnel, deceased.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Augustus Porter and Peter B. Porter are hereby empowered to convey the north half of lot number fifty-six, in township nine, in the third range of townships, in the county of Ontario, to Abner Bunnel, in trust for the benefit of the creditors and heirs of the said Chester Bunnel, deceased.

II. *And be it further enacted,* That the said Abner Bunnel have full power to execute and convey the said north half of said lot number fifty-six, to any person or persons who may purchase the same, for the best price he can get for the same, as soon after the conveyance from the said Augustus Porter and Peter B. Porter to him the said Abner Bunnel, as may be convenient, and that the said Abner Bunnel pay over the avails thereof, or so much thereof as may be necessary, together with the personal property of the said deceased, to discharge the debts of the said deceased, to the administrators of the said deceased, which shall be considered as assets in the hands of the said administrators, for the payment of the debts of said deceased, and the remainder, if any, to the heirs of the said deceased, or their guardian or guardians, to be distributed equally among the said heirs.

III. *And be it further enacted,* That the said trustee, before he enters on the execution of said trust, shall execute a bond to the heirs of the deceased in such penalty and with such sureties as the chancellor, or one of the masters in chancery shall direct, conditioned for the due and faithful execution of the said trust.

IV. *And be it further enacted,* That said Abner Bunnel be and he is hereby authorised and empowered to make and execute to said Augustus Porter and Peter B. Porter, a release of all the right and title which said Chester Bunnel ever had or which his heirs now have in the north half of lot number forty-six, in township number nine, in the third range of townships, in the county of Ontario; and that said release shall vest in said A-

tus Porter and Peter B. Porter, their heirs and assigns forever, all the right and title which said Chester Bunnell had in the north half of said lot at the time of his disease.

CHAP. CXVI.

An ACT to incorporate a company for erecting a bridge across the Sound, from New-Jersey to Staten-Island, between Amboy and Rahway River.

Passed June 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Joseph Perinc, David Mersereau, Jacob Crocheron, John V. D. Jacobson, Jesse Oakley, James Guion, senior, Tunis Egbert, John Garrison and John Hilliker, and such persons as shall associate with them, in manner herein after mentioned, for the purpose of erecting a bridge across the Sound from New-Jersey to Staten-Island, at a place to be determined and fixed on by commissioners, as hereinafter mentioned, between Amboy and Rahway river, be and hereby are made a corporation in fact and in deed, by the name, style and title of the president, directors and company of the Union bridge," and by that name they and their successors shall have perpetual succession, and shall be capable of taking and holding the capital stock herein after to them granted and appointed, and the increase and profits thereof; and of purchasing, taking and holding to them, their successors and assigns in fee simple or for any less or other estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient to them in the prosecution of their works, and of selling and disposing of the same at their pleasure; and also of suing and being sued, pleading and being impleaded, answering and being answered unto, and of doing all and every other matter and thing which a corporation and body politic may lawfully do: and shall be entitled to all and singular the privileges and franchises belonging and incidental to a body politic: *Provided, That such estate* Joseph Perinc and others incorporated.
Their style and corporate rights.
Provided.

as well real as personal, so to be purchased and held, shall be necessary to fulfil the end-and intent of this incorporation, and shall be used for no other purpose whatsoever.

Commissioners to designate the site of the bridge.

II. *And be it further enacted*, That John C. Vanderveer, William Furman and John Lefferts, of the county of Kings, and John Vanderbilt, junior, and Gabriel Furman, of the city and county of New-York, together with the like number of persons to be named and authorised for that purpose, by or on the part of the state of New-Jersey, be and they are hereby constituted and appointed commissioners, to determine and designate the site or place at which the said bridge shall be erected; which site or place shall be at such point, between Amboy and Rahway river, as in the judgment of the said commissioners, or of the major part of them, shall best suit the convenience of the public:

Amount of stock.

Subscriptions how received.

And further, That the capital stock of the said corporation shall consist of two thousand shares, of fifty dollars each, to be subscribed for and taken up in manner following, that is to say: the said commissioners shall, on or before the first Monday of March next, procure one or more books, in which to receive subscriptions for shares of the said stock, and cause notices to be published in at least two of the public newspapers printed in the state of New-Jersey, and three of the public newspapers printed in the city of New-York, specifying the time or times, and place or places at which the said books will be opened to receive the said subscriptions; at which times and places respectively, the said books shall accordingly be opened under the direction of one or more of the said commissioners or of such person or persons as shall be appointed by them or the major part of them for that purpose, and all persons desiring to become stockholders in the said corporation shall be permitted to subscribe in the said books any number of shares which they may respectively desire, not exceeding one hundred shares for any one person, every such person paying to the said commissioners, at the time of subscribing, five dollars upon each share so subscribed for; and if the whole number of shares so

subscribed for and on each of which five dollars shall have been so paid as aforesaid, shall exceed two thousand, the number of shares so subscribed for shall be reduced to two thousand by a proportionate reduction, so that each person shall be entitled to such proportion of the said two thousand shares as the number of shares by him subscribed for shall bear to the whole number of shares so subscribed for as aforesaid; and the said commissioners shall retain and pay out of the said monies, so to be received by them, the expenses attending the receiving of the said subscriptions and other incidental charges, and shall pay over the residue of said monies to the treasurer of the said corporation, as soon as the same shall be organized and the officers thereof chosen as hereafter directed.

III. *And be it further enacted*, That such person or persons as shall become subscribers as aforesaid, for one or more shares of the stock of the said company shall thereupon be considered, and hereby are constituted, members of the said corporation.

Persons subscribing to be considered members.

IV. *And be it further enacted*, That when twenty persons or more shall have subscribed for eight hundred shares of the said stock, the said commissioners, or the major part of them, may, and when the whole number of shares shall be subscribed for as aforesaid, they, or the major part of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by and allowed to each subscriber, and deliver such certificate to the persons named in the first section of this act, who shall, as soon thereafter as conveniently may be, give notice in two of the public newspapers printed in the state of New-Jersey, and in two of the public newspapers printed in the city of New-York, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers then present, by ballot, to be delivered in person or by proxy duly authorised, one president, seven directors, one treasurer, and such other officers as they shall think fit and necessary, to

When 800 shares are subscribed for, the commissioners shall certify the same,

And the name of each subscriber.

Notice shall be given in the newspapers of the time of holding an election for directors.

conduct the business of said corporation for one year, and until other officers may be chosen in their stead; in which election, as well as every other election thereafter to be held, each stockholder shall be entitled to one vote for every share held by him or her of the capital stock of the said corporation.

Election
when to be
held.

V. *And be it further enacted*, That the members of the said corporation shall meet on the first Monday of June in every year succeeding, at such place as shall be fixed by the rules and orders of the said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, but in case it shall at any time happen that an election of such officers shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall in such case be lawful to choose such officers on any other day, and in such manner as shall or may be appointed or prescribed by the laws and regulations of the said corporation.

Certificates
shall be giv-
en to sub-
scribers.

VI. *And be it further enacted*, That the president and directors first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver such certificates, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for the several shares by him subscribed and held, on paying to the treasurer in part of the sum due thereon, ten dollars for each share over and above the money paid upon such shares at the time of subscribing as aforesaid; which certificates shall be transferable at pleasure, in person or by attorney, in presence of the president or treasurer, subject however to the payments due and that may grow due thereon; and the assignee holding such certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the said corporation, and for every share mentioned in such certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the

company, and to vote as aforesaid in the meetings thereof.

VII. *And be it further enacted,* That the president and four of the said directors, or in the absence of the president, then five of the said directors, shall be a quorum, and capable of transacting the business and concerns of the said corporation, and every act of the majority of such quorum shall be binding on the said corporation; and the said president and directors may meet when and where they may think proper, keeping always correct minutes of all their transactions, fairly entered in a book to be provided for that purpose; and shall have full power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well-ordering and governing the affairs of the said corporation, and shall and may appoint and employ such officers, agents, artists, workmen and others, as they shall from time to time think necessary or expedient, and allow and pay to them respectively such salaries and other compensation as they shall deem proper, and shall and may also determine and prescribe the times, manner and proportions in which the stockholders shall pay the monies due on their respective shares, and generally shall have power to do and perform all such other acts, matters and things, as shall be requisite or proper to carry into full and beneficial effect the objects and intentions of the said incorporation.

President and 4 directors shall form a quorum to transact all the business.

VIII. *And be it further enacted,* That if any stockholder, after notice given in two public newspapers printed in New-Jersey, and two public newspapers printed in New-York, of the time and place appointed by the said president and directors, or the major part of them, for the payment of any proportion or instalment of the said capital stock, shall neglect to pay such proportion for the space of forty days after the time so appointed, every such stockholder shall, in addition to the instalments so called for, forfeit and pay at and after the rate of five per centum per month for and during such delay of payment, and if the same, and such additional penalties as may be incurred, shall

Persons neglecting to pay the instalments shall forfeit their shares.

remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the said shares shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase the same for such prices as can be obtained therefor.

How the president and directors shall proceed to procure materials for building the bridge.

IX. And be it further enacted, That it shall and may be lawful for the president and directors aforesaid, their officers, agents, artists, and workmen of every kind, to enter into and upon all the lands, tenements and inclosures, near the place where the said bridge is to be built, and examine the ground for the purpose of obtaining stone, sand or gravel, necessary for building the said bridge, and to enter with waggons, carts, sleds or sleighs, or beasts of burthen or draught of any kind whatever, (first giving reasonable notice of their intention to the owners or occupants of such lands, tenements or inclosures) doing as little damage as possible, and repairing any breaches of fences that they may have occasion to make, and first making compensation for any damages which shall or may be sustained thereby, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, by appraisement, to be made on oath or affirmation by three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen by the parties, or if either of the said parties shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side; and the said directors, or other persons employed by them as aforesaid, after payment or tender of the appraised value to the owner, may enter and dig; take and carry away, any stone, gravel, sand or earth, most conveniently situated for making and repairing the said bridge: *Provided always,* That the said directors and persons employed by them, shall not in any case enter upon the lands of any person or persons for the purpose of breaking ground on the same, or dig, or take and carry away stone, gravel, sand or earth, until they shall have previously contracted and agreed therefor with

the owners, or made payment or tender of the value thereof, as ascertained in the manner herein before mentioned.

X. *And be it further enacted*, That the said bridge shall be constructed of the width of at least twenty-six feet, and shall also be so constructed as that one part of the said bridge, not less than thirty feet over the said sound, shall hoist or draw for the free passage of such vessels as shall have occasion to pass the same. And the bent wherein the said draw is to be constructed as aforesaid, shall be set and placed in such part of the said bridge as will render the passage of vessels through the same the most easy, safe and convenient, and the best conduce to the freedom of navigation. And the better to facilitate the passage of vessels through the said bridge, two or more posts, piles or piers, shall be set, drove or built, in the said sound, on each side of the entrance of the said draw, in such places as will best conduce to the easy and safe entrance of vessels into, and passage through the said bridge: and being so set, drove or built, shall be continually thereafter supported and maintained by the said company.

*How the
bridge shall
be constructed.*

XI. *And be it further enacted*, That the said company shall at all times after the building of the said bridge, and the causeway hereafter directed to be built, support, maintain and uphold, and, if occasion shall require, rebuild, and at all times keep the same and the draw in repair, and shall also give good and faithful attendance at the draw of the said bridge, and as speedily as the nature of the case will admit, hoist and raise the said draw for all vessels for which a passage through the same shall be required, without any toll or exaction whatsoever therefor; and on neglect or failure to support and maintain the said bridge and the draw thereof, and the causeway when built, and at all times to keep the same in good and sufficient repair, or of giving attendance at the draw as aforesaid, the said company shall be liable to indictment in any court of this state authorised by law to take cognizance of indictable offences, and if convicted shall be fined at

*Persons shall
attend constantly
to hoist the
draw.*

*Penalty for
neglect.*

the discretion of the court in any sum not exceeding fifty dollars, and shall also be liable to an action for damages at the suit of the party aggrieved by such neglect or failure.

The marsh
shall be
causewayed.

XII. *And be it further enacted*, That so much of the marsh from the said bridge to the upland as may require to be causewayed for the purpose of making the same good for travelling, shall be causewayed or built, and maintained and kept in repair by the said company.

Accounts
shall be kept
of all monies
received and
expended.

XIII. *And be it further enacted*, That the president and directors of the said company shall keep just and fair accounts of all monies received by them from the commissioners and subscribers, and of all penalties for delays in the payment thereof, and of the amount of the proceeds of shares that may be forfeited as aforesaid, and also of all monies expended by them in the said work ; and shall, at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge is completed, and until all the costs, charges and expenses, for effecting the same, be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Rates of toll.

XV. *And be it further enacted*, That when a good and complete bridge shall be erected as aforesaid, the said company, their successors and assigns, may demand and receive toll from travellers and others, agreeably to the following rates, to wit : For every coach, chariot, phaeton or other pleasure carriage with four wheels, drawn by four horses, the sum of one dollar, for the like carriage with two horses, the sum of seventy-five cents ; for every waggon with four horses, seventy-five cents ; for every carriage of the same description, drawn by two horses, the sum of fifty cents ; for every chaise, riding chair, sulkey, cart or other two wheeled carriage, or a sleigh or sled, with two horses, the sum of thirty-seven and a half cents, for the same with one horse, thirty cents ; for a single rider and horse, the sum of twenty five cents ; for every led or driven horse or mule, the sum of ten cents ; for every foot passenger, the sum of six cents ; for every hand

of horn cattle, the sum of ten cents; for every sheep or swine, the sum of three cents: And said company shall cause to be affixed, and always kept up at the gates of the said bridge, in some conspicuous place, a printed list of the rate of tolls which may be lawfully demanded.

XV. *And be it further enacted*, That in fixing the toll of all carriages drawn wholly by oxen, or partly by oxen and partly by horses, two oxen shall be estimated equal to one horse.

XVI. *And be it further enacted*, That if any of the said company, or any toll-keeper or agent by them employed, shall take or demand any greater rates or prices for passing over the said bridge, than are herein before prescribed and specified, or shall take or demand any rate or toll whatever for hoisting the draw for the passage of any vessel, he, she or they, so offending, shall for every such offence forfeit and pay the sum of thirty dollars to any person or persons who shall sue for the same: *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed.

Penalty for
demanding
exorbitant
toll.

Proviso.

XVII. *And be it further enacted*, That if any person or persons shall wilfully cut or destroy any piece or pieces of timber, or any plank or planks, belonging to or being a part of said bridge, or shall remove any piece or pieces of timber or plank, or any stone or stones, or other materials belonging to said bridge, or otherwise voluntarily damage the same, he, she or they, so offending, shall forfeit or pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in the name of the company, in any court having cognizance of the same, with costs of suit.

Penalty for
injurmg the
bridge.

XVIII. *And be it further enacted*, That the said president and directors shall also keep a just and true account of all and every the monies received by their collectors of tolls, or other person or persons, for crossing the said bridge, and shall, half yearly, make and declare a dividend of the profits and income thereof, amongst all the owners of the stock of the said company, first deducting therefrom all contingent costs and

Account
shall be kept
of toll re-
ceived.

charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against decay, and for the rebuilding and repairing of the said bridge; and shall in every year, on the first Tuesday of May and November, declare and publish the dividends to be made of the said clear profits, and the times and place when and where the same shall be paid accordingly.

Time limited
for building
the bridge.

XIX. *And be it further enacted*, That if the said company shall not, within three years after the passing of this act, commence the building of the said bridge, or shall not complete the same within seven years from the passing of this act, the said corporation hereby created shall cease and be dissolved.

When the
bridge is fin-
ished an ac-
count of its
expense
shall be lodg-
ed with the
comptroller.

XX. *And be it further enacted*, That the president and directors of the said company shall, within six months after the said bridge and causeway shall be completed, lodge in the comptroller's office of this state, a true account of the whole expense of the building and making of the same, and shall also exhibit to the comptroller, once in every year thereafter, a true account or statement of all the income arising from the said bridge, and of all monies expended by the said company in or about the objects of their incorporation, or any business or concerns connected therewith; and copies of such accounts as above mentioned shall also, at the same time, be lodged with and exhibited to the Governor, for the time being, of the state of New-Jersey, to be used and disposed of as by the laws of that state shall be requisite and proper.

When and
how the cor-
poration
shall be dis-
solved.

XXI. *And be it further enacted*, That as soon as the income arising from the said bridge shall have fully compensated the said corporation for all monies which they may have expended in making, repairing and taking care of the said bridge and causeway, and in paying for such other estate as they shall have purchased or acquired to fulfil the end and intent of their incorporation as herein above authorised, together with interest on all such monies at and after the rate of fourteen per cent. per annum, the said corporation shall thereupon cease and be dissolved; and upon such dissolution it shall and may be lawful for the person

administering the government of this state, to appoint three commissioners on the part of this state, to meet with the like number of commissioners to be appointed by or on the part of the state of New-Jersey, which said commissioners, so to be appointed, or a majority of them, shall have full power and authority to make such disposition of, or arrangements respecting, the said bridge and causeway, and other estate held by the said company at the time of such dissolution, as they the said commissioners, or the major part of them, shall think proper; and such disposition or arrangement, so to be made, shall be binding and conclusive upon the said states respectively.

XXII. *And be it further enacted*, That this act be, and the same is hereby declared a public act, and that the same be construed favorably in all courts and places for all the beneficial purposes therein intended.

This is a public act.

CHAP. CXVII.

An ACT authorising the building a Fire-Proof Clerk's Office in the County of Greene.

Passed June 10, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly; That it shall be the duty of the supervisors of the county of Greene, and they are hereby authorised and required, at their annual meeting in October next, to cause the sum of one thousand dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar for collecting the same, which said sums shall be raised, levied and collected, in the same manner as the other contingent charges of the said county are raised, levied and collected.

Supervisors of Greene county shall cause 1000 dolls. to be raised by tax.

II. *And be it further enacted*, That the sheriff of the county of Greene, together with Orrin Day and Isaac Dubois, be and they are hereby appointed commissioners to contract for, superintend and cause to be erected, in the village of Catskill, in such place as they or a majority of them, may deem proper, a good and sufficient fire-proof building, for the safe-keeping

Commissioners to build a fire-proof clerk's office.

the books, records, and all the public papers of the county of Greene; and when the said building shall be completed, the said books, records and papers, shall be removed thereto, and the same shall thereafter be the clerk's office of the county of Greene.

Treasurer of
the county
shall pay
over the mo-
nies in his
hands.

III. *And be it further enacted*, That the treasurer of the county of Greene shall, and he is hereby required to pay over, to the order of a majority of the commissioners before named, the sum of money directed to be raised in and by the first section of this act; and the said commissioners, as soon as the said clerk's office shall be completed, shall exhibit to the supervisors of said county, for their approbation, a just and true account of their expenditures; and the said supervisors shall audit the said accounts, and if satisfactory to them, allow the same, and the overplus money, if any, remaining in the hands of said commissioners, shall by them, within thirty days thereafter, be paid into the treasury of the county of Greene.

CHAP. CXVIII.

An ACT to amend an Act, entitled "*An Act to incorporate the Canton Bridge Company.*"

Passed June 10, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Canton bridge company hereafter to exact and receive from every person crossing said bridge, or using said road, the following rates of toll, to wit: For every score of sheep and hogs, six cents; for every score of cattle, horses or mules, twelve and an half cents, and so in proportion for any greater or less number of the same; for every horse and rider, four cents, and every additional horse led, two cents; for every sulkey, chair or chaise, drawn by one horse, six cents; for every chariot, coach, coachee or phaeton twelve and an half cents; for every stage-waggon or other four wheel carriage, drawn by two horses, mule or oxen, six cents, and for every additional horse mule or ox, two cents; for every cart or waggon.

Rates of toll.

drawn by one horse, four cents; for every cart, drawn by two oxen, six cents, and one cent for every additional ox or horse; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and every additional horse, mule or ox, two cents; for every saw-log or stick of timber drawn across said bridge with a chain, by two oxen, horses or mules, six cents, and two cents for every additional ox, horse or mule; and for every foot-man, one cent: and it shall be lawful for the toll-gatherer to stop and detain all and every person, their beasts, carriages, logs or timber of every kind, until he, she or they, shall have paid the toll herein allowed to be collected.

II. *And be it further enacted*, That whenever the commissioners to be appointed by the supervisors of the county of Greene, annually, shall deem the said bridge unsafe or impassable, it shall and may be lawful for them, or any two of them, by writing under their hands, to be served on the toll-gatherer, to order said gate to be set open until they shall direct otherwise; and if the said toll-gatherer shall neglect or refuse to obey the order of said commissioners, or a majority of them, he shall, for every day the said gate shall remain shut contrary to said order, forfeit the sum of ten dollars, to be recovered by any person who shall sue for and prosecute the same.

If the bridge is impassable or out of repair the gate shall be set open.

III. *And be it further enacted*, That the seventh, ninth and tenth, sections of the "act to incorporate the Canton bridge company," passed April 9th, 1805, be and the same are hereby repealed.

Part of the act of incorporation repealed.

IV. *And be it further enacted*, That whenever the said corporation shall have been reimbursed the amount of the capital stock actually expended in making said bridge and road, together with an interest thereon at the rate of fourteen per centum per annum, then the said bridge and road shall revert and become the property of the people of this state, and not otherwise.

When the company are reimbursed the road and bridge shall revert to the state.

CHAP. CX. X.

An ACT to incorporate the Merrett's Island Turnpike Company.

Passed June 10, 1812.

J. Wheeler
and others
incorporated.Their style
and powers.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That John Wheeler, William Thompson, Joshua Sayre, George D. Wickham, Michael A. Jones, Robert Ferrer and Moses Wisner, and all such other persons as with them shall associate to make a good and sufficient road, to begin on the east side of the drowned lands, in the town of Warwick, in the county of Orange, and in lot number five, of the first division of the said drowned lands; from thence the nearest and most eligible route to Pine Island; thence to Pochunk-neck, near the house of Moses Wisner; thence to Merrett's Island, and from thence across the Walkill to the main land, on the west side of the said drowned lands, in lot number four of said first division of the drowned lands, so as best to promote the interest of the public and the corporation, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of "the Merrett's Island turnpike road," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying, any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the intent of the said corporation, and to no other purpose whatsoever.

Amount of
stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of five hundred shares, of twenty dollars each, and that George D. Wickham, Michael A. Jones and Moses

Wisner, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th of March, 1807.

III. And be it further enacted, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpike to be erected on said road, from all persons using the same, the following rates of toll, to wit: For every waggon with two horses or oxen, twelve and an half cents, and three cents for every additional horse or ox used before any waggon, cart or other carriage; for every waggon or cart drawn by one horse, six cents; for every one horse cart, six cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; for every sulkey, chair, chaise or one horse carriage, twelve and an half cents; for every cart drawn by two oxen, eight cents, and for every additional yoke four cents; for every horse and rider, or led horse, six cents; for every sleigh or sled, drawn by two horses or oxen, six cents, and for every additional horse or ox, two cents; for every score of horses, cattle or mules, twenty cents, and so in proportion for a greater or less number; for every score of hogs or sheep, eight cents; for every stage-waggon, drawn by two horses, twelve and an half cents, and three cents for every additional horse.

Rates of toll.

IV. And be it further enacted, That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies, and shall be subject to all the conditions, restrictions and regulations, contained in the said act, except the bedding of the said road, which shall not be required to be more than twenty feet in width, and that there shall be but five directors to manage the business of the said corporation, three of whom shall be a quorum, and that they may erect one gate on said road, and no more.

Privileges of the company

CHAP. CXX.

An ACT to divide the State into Districts, for the election of Representatives in the Congress of the United States.

Passed June 10, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That for the election of representatives in the House of Representatives of the Congress of the United States, this state shall be, and hereby is divided into the following districts, to wit:

1. The counties of Suffolk, Queens, Kings, Richmond, and the first and second wards of the city of New-York, shall compose the first district, and shall elect two representatives.

2. The third, fourth, fifth, sixth, seventh, eighth, ninth and tenth wards, of the city of New-York, shall compose the second district, and shall elect two representatives.

3. The counties of Westchester and Rockland shall compose the third district, and shall elect one representative.

4. The county of Dutchess, exclusive of the towns of Rhinebeck and Clinton, shall compose the fourth district, and shall elect one representative.

5. The county of Columbia, and the towns of Rhinebeck and Clinton, in the county of Dutchess, shall compose the fifth district, and shall elect one representative.

6. The county of Orange shall compose the sixth district, and shall elect one representative.

7. The counties of Ulster and Sullivan shall compose the seventh district, and shall elect one representative.

8. The counties of Greene and Delaware shall compose the eighth district, and shall elect one representative.

9. The county of Albany shall compose the ninth district, and shall elect one representative.

10. The county of Rensselaer shall compose the tenth district, and shall elect one representative.

11. The county of Saratoga shall compose the eleventh district, and shall elect one representative.

12. The counties of Washington, Essex, Clinton and Franklin, shall compose the twelfth district, and shall elect two representaives.

13. The counties of Schenectady and Schoharie shall compose the thirteenth district, and shall elect one representative.

14. The county of Montgomery shall compose the fourteenth district, and shall elect one representative.

15. The counties of Otsego, Chenango and Broome, shall compose the fifteenth district, and shall elect two representatives.

16. The county of Oneida shall compose the sixteenth district, and shall elect one representative.

17. The counties of Herkimer and Madison shall compose the seventeenth district, and shall elect one representative.

18. The counties of Lewis, Jefferson and St. Lawrence, shall compose the eighteenth district, and shall elect one representative.

19. The counties of Onondaga and Cortlandt shall compose the nineteenth district, and shall elect one representative.

20. The counties of Cayuga, Seneca, Tioga and Steuben, shall compose the twentieth district, and shall elect two representatives.

21. The counties of Ontario, Allegany, Genesee, Niagara, Cataraugus and Chatauque, shall compose the twenty-first district, and shall elect two representatives.

II. *And be it further enacted*, That the "act to divide the state into districts, for the election of representatives in the Congress of the United States," passed the eighth day of April, one thousand eight hundred and eight, be and the same is hereby repealed: *Provided*, That the said act shall be continued in full force so far as is necessary to supply any vacancy which has happened, or may happen, in the representation of this state in the present Congress.

CHAP. CXXI.

An ACT for the relief of the Congregational Church of Kingsborough, in the town of Johnstown, and county of Montgomery.

Passed June 10, 1812.

WHEREAS the trustees of the said society, by their petition to the legislature, have represented that the trustees of said society have for some time past omitted to render an account of the estate belonging to the said society, and of the annual revenue arising therefrom, agreeable to law, and have prayed relief in the premises: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That all acts done by the said trustees, in relation to said church for their incorporation, shall, to all intents and purposes, be valid, notwithstanding any omissions by the trustees of rendering any account of the estate or revenue of said church, as directed by law; and all grants to and all contracts made by and with the said trustees, shall be as valid as if they had in all things complied with the law in relation to rendering any account agreeable to law. And the said congregational church is hereby restored to all the rights they may have lost by the omission of rendering any account required by law: *Provided*, that the said trustees render such account in six months after the passing of this act.

And provided further, that the following persons, who have by their petition requested to be exonerated from their subscriprion for the support of the present clergymen now employed by the said trustees, shall not be held liable to pay any of the arrears due by them on their said subscription since the dissolution of the said corporation, to wit:—Daniel Johnson, Louis Le Roy, William Bentley, Abraham Pool, Caleb Tucker, Amon Mead, William Powell, Elias Dawley, Jeremiah Mason, Daniel Meaker, junior, Noah Hildre

CHAP. CXXII.

An ACT *for altering the names of the towns therein mentioned.*

Passed June 10, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of Ezraville, in the county of Franklin, shall be called and known by the name of Malone; and all returns, laws, records, and proceedings heretofore made or had from, to, of, or respecting that town, either by the name of Ezraville or Malone, shall be as valid in law as if the said town had been heretofore called or known by the name of Malone.

II. *And be it further enacted,* That from and after the first day of April next, the town of Northampton, (heretofore so called) in the county of Genesee, shall be known and called by the name of Gates.

CHAP. CXXIII.

An ACT *to enable Daniel Hoar and Silvius Hoar to alter their sir name to that of Hoard.*

Passed June 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Daniel Hoar, of Hopkinton, and Silvius Hoar, of Ogdensburg, in the county of St. Lawrence, at all times hereafter may take upon themselves the sir name of Hoard instead of Hoar, and by that name they shall respectively be called and known in all cases whatsoever.

CHAP. CXXIV.

An ACT *to incorporate the Cazenovia and German Turnpike Company.*

Passed June 10, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That William Whipple, Eliphalet S. Jackson, Barnart Salis-

W. Whipple
and others,
incorporated

Their style,
&c.

bury, Aaron Daniels, Eri Richardson, John Mallery, Israel Fox, and all such other persons as with them shall associate, to make a good and sufficient road, to begin at or near Hill's tavern, in German, in the county of Chenango, and from thence running the nearest and best route to intersect the Hamilton and Skaneateles turnpike at or near the house of Eri Richardson, in Nelson, and from thence the nearest and best route as circumstances will admit to the village of Cazenovia, in the county of Madison, shall be and are hereby created a body politic and corporate, in fact and in name, by the name of "The President, Directors and Company of the Cazenovia and German turnpike road," and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by that name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of said corporation, to the amount of two thousand dollars.

Amount of
stock.

II. *And be it further enacted*, That the stock of said company hereby incorporated, shall consist of one thousand shares of twenty dollars each, and that Elisha Farnham, Barnart Salisbury, and Ebenezer Hill be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled, "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

Rates of toll.

III. *And be it further enacted*, That the company hereby incorporated shall not erect more than two gates or turnpikes upon the said road, and that neither of the said gates or turnpikes shall be erected on any of the roads already laid out: and the said company shall be entitled to exact and receive, at each of said gates or turnpikes, for any number of miles less than ten in length of the said road, from all persons travelling and using the same, the same rate

toll as are allowed by the act, entitled "an act to incorporate the Hamilton and Skaneateles turnpike company," passed the second day of April, one thousand eight hundred and six, and at the same rate in proportion for a greater or less distance.

IV. *And be it further enacted*, That the chord of the arch of the road, by this act authorised to be made, shall not be less than twenty-four feet. Chord of the arch, 24 feet.

V. *And be it further enacted*, That Marcus Andrews, John Knowles, and John Mattison be, and they are hereby appointed commissioners, to lay out the said road according to the best of their judgment and understanding, without favor or partiality, in such manner that the object of the corporation, and the interest of the public, shall be best effected; and it shall be the duty of the said commissioners, or a majority of them, to deposit and cause to be filed in the offices of the clerks of the several towns through which the said road shall pass, an accurate map of the same; and each of the said commissioners, for their services aforesaid, shall be allowed at the rate of two dollars and fifty cents per day for every day that they shall be necessarily employed in the services aforesaid, to be paid, together with the expences of surveying and filing said maps, by the said incorporation. Commissioners to lay out the roads.

VI. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, three of whom shall form a quorum and be capable of transacting the business of the company; and that the said company shall have and enjoy all the rights, privileges, powers, and immunities which are given and granted in and by the said act, entitled "an act relative to turnpike companies," and be subject and liable to all the conditions, provisions, restrictions, and regulations contained in the said act, saving and excepting whenever the same are contrary to the provisions of this act. Privileges.

CHAP. CXXV.

An ACT to revive and amend an act, entitled *an act to incorporate the Croton turnpike company, in the county of Dutchess.*

Passed June 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited by the said act for the said company to open their books and to commence their operations, shall be extended to the first day of June, in the year one thousand eight hundred and thirteen—and that the said company shall have the liberty of erecting a gate and receiving toll agreeable to the true intent and meaning of the hereby amended act, when they shall have completed the road from the south bounds thereof to the east side of the Swamp called the Great Swamp, near the house of Benjamin Cows, as contemplated by the said act hereby revived and amended, and that nothing contained in said act shall be so construed as to compel the said company to build the said road any farther than is directed by this act.

CHAP. CXXVI.

An ACT authorising *Simeon Rogers, Robert Ogden Edwards, and William Rose to build a toll bridge across the Tioghnioa branch of the Chenango River.*

Passed June 10, 1812.

S. Rogers &
others, incor-
porated.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That Simeon Rogers, Robert Ogden Edwards, and William Rose, and their present and future associates, their assigns and successors be, and they are hereby created a body corporate and politic by the name of “the president, directors, and company of the Lisle and Chenango Bridge Company,” for the purpose of building a bridge across the Tioghnioa branch of Chenango river, in the town of Lisle, in the county Broome, as near the old ferry as the situation of stream will admit; and they are hereby ordained, constituted, and declared a body corporate and politic.

Their style,
&c.

fact and in name, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and they and their successors may have a common seal and may change and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation: *Provided*, that the real estate so to be holden shall be such only as shall be necessary to promote or obtain the objects of this corporation.

II. *And be it further enacted*, That Simeon Rogers, Robert Ogden Edwards, and William Rose be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned: they shall, on or before the first day of May next, procure three books, and in each of them enter as follows:—"We, whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors, and company of the Lisle and Chenango bridge company, the sum of twenty five dollars for every share of stock in the said company set opposite our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors, and company, one of which books shall be left with each of the commissioners aforesaid at their respective places of abode, who shall keep the same open for receiving subscriptions, and every subscriber at the time of subscribing pay unto either of the commissioners the sum of two dollars for each share so subscribed, and the commissioners shall, as soon as sixty shares have been subscribed, cause an advertisement to be inserted in the newspaper called the American Farmer, printed in the village of Owego, and the Chenango Patriot, printed in the town and village of Oxford, and place an advertisement at one of the most public places in the aforesaid town of Lisle, giving at least thirty days

Commissioners to do certain duties.

Directors—
when and
how chosen.

notice of the time and place the said subscribers shall meet for the purpose of choosing by ballot five directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and until others shall be chosen in their stead ; and the day of choosing the said directors shall forever thereafter be the anniversary day for choosing directors, and a majority of said directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of said directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the stockholders present, shall, within ten days thereafter, proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time at such time and place as they may find expedient to direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Their duty.

Number of
shares.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be one hundred and twenty shares subscribed, and shall have power to appoint such agents, clerks, workmen, and others under them as shall be necessary for executing the business of the said corporation.

Votes and
shares pro-
portioned.

IV. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or fund of said corporation shall not exceed one hundred and twenty shares, and that the amount to be paid for each share or subscription shall be twenty-five dollars, and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name.

Time limited
for building
this bridge.

V. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of May, one thousand eight hundred and fifteen, then the corporation created by this act shall be adjudged and considered as dissolved.

VI. *And be it further enacted*, That the rates of toll

which said president, directors, and company may demand and receive of and from all and every person using said bridge, shall be ascertained, fixed and determined by the court of common pleas in and for the county of Broome; and being once so determined, the said toll shall remain unalterable. And said president, directors and company shall receive no other or greater toll than what shall be so determined by said court of common pleas.

Toll—how to
be regulated

VII. *And be it further enacted*, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and such proportions as they shall think fit, under pain of forfeiture of their shares and of all previous payments made thereon to the said president, directors and company.

Directors
may demand
all monies
subscribed.

VIII. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company double the amount of damages sustained by means of such offence or injury, to be recovered by said company with costs of suit and by action of debt in any court having cognizance thereof, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any court in this state.

Penalty for
injuring the
bridge.

IX. *And be it further enacted*, That said bridge shall be built at least twenty-five feet wide, and be well covered with plank not less than three inches thick, the sides of said bridge to be secured with good and substantial railings.

Bridge shall
be 20 feet
wide.

X. *And be it further enacted*, That the said bridge shall be so constructed as not in any manner to obstruct the channel of the said river, or prevent in any wise the free passage of rafts and boats.

It shall not
obstruct the
channel.

XI. *And be it further enacted*, That this act be and hereby is declared a public act, and shall be construed favourably for every beneficial purpose therein mentioned.

This is a
public act.

If the bridge
be impassable
for 3 months
the company
is to be dis-
solved.

Provide.

Penalty for
forcing a pas-
sage.

This act to
continue 20
years.

XII. *And be it further enacted*, That if the said bridge, after the same has been completed, shall at any time be impassable for the term of three months, that then the corporation shall cease, and the same is hereby declared in such case to be dissolved: *Provided nevertheless*, that no such dissolution of the corporation shall take place if the said bridge shall be carried away by ice, freshets, or any unavoidable accident, in case the same shall be rebuilt within one year after the same shall be so carried away.

XIII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over the said bridge in pursuance of this act, or shall cause his or their horses, carriage, waggon, sled, cattle, or other thing or things, to pass the same without paying the legal toll for passing the said bridge, such person or persons shall forfeit and pay a fine of five dollars to be recovered by the treasurer of the said corporation to their use in an action of debt with costs of suit.

XIV. *And be it further enacted*, That this act shall continue in force for twenty years from the time of its passage and no longer.

CHAP. CXXVII.

An ACT to incorporate the Cayuga and Susquehanna Turnpike Company.

Passed June 10, 1812.

T. Floyd and
others, incor-
porated.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Thomas Floyd, Andrew Purdy, Nathaniel Schovel, Jabez Beers, and Elijah Buck, and all such others as shall associate for the purpose of making a good and sufficient turnpike road to begin at or near the head of Cayuga Lake, from thence to run a southerly course to the new court house in the county of Tioga, from thence a southerly course to the north line of the state of Pennsylvania, at or near Chapman's fulling mill, in the town of Chemung, in such manner as to promote the interest of the public and this corporation,

their successors and assigns, be, and they are hereby created a body corporate and politic by the name of "The President, Directors, and Company of the Cayuga and Susquehanna Turnpike Road Company," and they are hereby ordained, constituted, and declared to be a body corporate, and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be such only as is necessary to fulfil the end and intent of the said corporation: *And provided further*, that such real estate, which the said corporation are hereby authorised to purchase and hold, shall not exceed two thousand dollars.

Their style,
&c.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of one thousand seven hundred shares of twenty dollars each: and Thomas Floyd, Andrew Purdey, and Jabez Beers be, and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

Amount of
stock.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on the said road, for every ten miles in length of said road the following sums of money, and so in proportion for any less distance from all persons travelling and using the same—For every waggon, drawn by two horses, mules, or oxen, twelve and an half cents, and three cents for every additional horse, mule, or ox attached to such waggon; for every cart, drawn by two horses, mules, or oxen, twelve and an half cents, and for every

Rates of toll.

additional horse, mule, or ox attached to such cart, three cents; for every horse and rider, four cents; for every horse led or driven three cents; for every sled or sleigh, drawn by two horses, oxen, or mules, six cents: and so in proportion if drawn by a greater or less number of horses, mules, or oxen; for every chair, sulkey, chaise, or other pleasure carriage, drawn by one horse, twelve and an half cents; for every chariot, coach, coachee, or phaeton, or other four wheeled pleasure carriage, twenty five cents; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number; for every score of sheep, hogs, or calves, ten cents, and so in proportion for a greater or less number: *Provided*, that not more than three gates or turnpikes shall be erected on or across said road, and those at equal distances from each other.

Privileges.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers, and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions, and regulations contained in the said recited general act: *Provided*, that the said company shall be allowed five years, from and after the passing of this act, for completing the said road, any thing in the aforesaid general act to the contrary notwithstanding.

CHAP. CXXVIII.

An ACT to alter the time of holding Town Meetings in the Town of Homer, County of Cortland.

Passed June 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town meetings hereafter to be holden in the town of Homer, shall be held on the first Tuesday of March, annually, and that all such town officers, whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices may appertain.

CHAP. CXXIX.

An ACT to alter the time of holding Town Meetings in the Town of Canajoharie, in the County of Montgomery.

Passed June 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town meetings hereafter to be holden in the town of Canajoharie, in the county of Montgomery, shall be held on the first Tuesday in March, annually, and that all such town officers, whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices may appertain.

CHAP. CXXX.

An ACT making provision for draining swamps and bog meadows in the county of Sullivan, and for other purposes.

Passed June 10, 1812.

WHEREAS there are large tracts of swamps and bog meadows in the county of Sullivan, which might be made fit for the culture of hemp, meadow and pasturage, but which in their natural state are subject to be overflowed with water and rendered unfit for any kind of agricultural purposes: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the act, entitled "an act making provision for draining swamps and bog meadows in the counties of Orange and Dutchess," passed April 9th, 1804, be extended, with all its powers, privileges, and provisions to the county of Sullivan.

II. *And be it further enacted,* That it shall be lawful for the inspectors or commissioners that may be appointed under this act as often as it shall be necessary, in order to effect the purposes of their appointment, to continue or sink any ditch or ditches into an adjoining county, on the same conditions that they are

authorised by the said act to continue any ditch or ditches through lands adjoining to the said swamps in their own proper county.

CHAP. CXXXI.

An ACT to enable the Regents of the University to establish a College of Physicians and Surgeons in the town of Fairfield, in the county of Herkimer.

Passed June 12, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the regents of the university, if they shall judge the same necessary and proper, and they hereby are authorised to establish under their common seal, a college of physicians and surgeons at the town of Fairfield, in the county of Herkimer, and to have and possess all the powers and privileges in relation thereto, and to extend to the said college all the benefits which they are enabled to do in and by an act of the legislature of the state of New-York, entitled "an act to enable the regents of the university to establish a college of physicians and surgeons within this state."

CHAP. CXXXII.

An ACT to authorise the Supervisors of the County of Allegany to raise twelve hundred dollars by tax, for opening a road round the falls at Nunda, on the Genesee river, in the County of Allegany.

Passed June 12, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful, and it is hereby made the duty of the supervisors of the said county of Allegany, at their annual meetings on the first Tuesday in October in every year for three years successively after the passing of this act, to levy and raise by tax on the freeholders and inhabitants of the said county the sum of four hundred dollars in each year, together with the sum of

five cents on every dollar for collecting and paying over the same, which several sums, when collected and paid into the treasury in said county, may be drawn from the same by the order of such person or persons as the said supervisors shall from time to time appoint, not exceeding three in number, who are hereby made commissioners for the expending said money in laying out, opening and improving said road round the falls of Nunda, on the Genesee river, in the county of Allegany aforesaid.

II. *And be it further enacted*, That it shall be the duty of the said commissioners to render to the supervisors of said county, at their annual meeting in every year for the term of three years as aforesaid, an account of their expenditures in opening and improving said road whose duty it shall be to audit and settle the same.

III. *And be it further enacted*, That the said commissioners shall lay out said road not less than four nor more than six rods wide.

CHAP. CXXXIII.

An ACT authorising the Surveyor-General to sell to the Oneida Iron and Glass Manufacturing Company certain Lots of Land therein mentioned.

Passed June 12, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the surveyor-general, and he is hereby required to sell unto the president and directors of the Oneida iron and glass manufacturing company lots number forty, forty-one, forty-two, forty-three, forty four, forty-five and forty-six, containing together about seven hundred acres of the unappropriated lands belonging to the people of this state in the Fish creek reservation on the west side of said creek in the county of Oneida, at an appraised value; *Provided*, that the said president and directors shall pay to the treasurer one fourth part of the appraised value thereof, and ex-

ecute a bond and mortgage for the residue of the said appraised value, payable in ten years, with interest, to be paid annually at the rate of six per cent per annum.

CHAP. CXXIV.

An ACT concerning the Sittings appointed to be held in and for the City and County of New-York, on Monday the fifteenth day of June, one thousand eight hundred and twelve.

Passed June 12, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That if one of the judges of the supreme court shall not be present to open the sittings appointed to be held in and for the city and county of New-York, on Monday, the fifteenth day of this present month of June, it shall be lawful for the clerk of the said sittings, and he is hereby required at any time between the hours of ten and twelve o'clock in the forenoon of the said day to open and immediately adjourn the said sittings until the hour of ten o'clock in the forenoon of the next day, and so from day to day until ten o'clock on Monday following, unless one of the judges of the said supreme court shall, in the mean time, arrive at the place where the sittings were to be held and open the same; and it shall be lawful for a judge of the supreme court to open the said sittings on any of the adjourned days aforesaid, and hold the same in like manner to every intent; and the proceedings on the record shall be in the same form as if the said sittings had been opened by the said judge on the first day, and by him regularly adjourned.

CHAP. CXXXV.

An ACT authorising John Mack to build a Toll-Bridge across Cattaraugus Creek.

Passed June 12, 1812.

J. Mack may
er at a
bridge over
Cattaraugus
creek.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for John Mack to erect

a bridge across Cattaraugus creek, which divides the counties of Niagara and Chautauque, at or so near the place where the land road leading from Chautauque to Buffalo intersects said creek as may be practicable, and that said bridge shall be constructed not less than eighteen feet wide, and in a substantial and workmanlike manner, with sufficient railings. Its width, &c.

II. *And be it further enacted*, That when a bridge cross said creek shall be so far completed as to admit with safety the passing thereover of travellers with their teams and carriages, the said John Mack may demand and receive toll from travellers and others agreeably to the following rates, to wit: For a single rider and horse, the sum of six cents; for every led or driven horse, the sum of three cents; for every foot passenger, the sum of three cents; for every head of horned cattle, the sum of two cents; for every score of sheep or swine, the sum of ten cents; for every waggon, sleigh or other carriage, drawn by two horses, mules or oxen, the sum of twenty-five cents, for every additional horse, ox or mule, the sum of six cents; for every waggon, sleigh or other carriage, drawn by one horse or mule, the sum of twelve and an half cents: Rates of toll. *Provided*, That nothing herein contained shall authorize the said John Mack, or his assigns, to demand or receive any toll from any person or persons belonging to and travelling in any waggon, sleigh or other carriage, other than for such carriage. Proviso.

III. *And be it further enacted*, That it shall not be lawful for any person or persons whatsoever to erect, or cause to be erected, any bridge, or keep any ferry across said creek, between its confluence with Lake Erie and two miles up said creek, for any other purpose than for private use or accommodation; and if any owner or owners of such bridge or ferry erected and kept for the purpose last aforesaid, shall permit any person or team to cross said bridge or ferry, except such as belong to the owner or owners thereof, every such owner or owners shall forfeit and pay to the said John Mack, or his assigns, treble the amount of toll herein before specified, to be recovered by ac- Penalty for erecting a bridge or keeping a ferry within a certain distance of said bridge.

tion of debt or otherwise, before any justice of the peace having cognizance thereof.

Penalty for
injuring the
bridge.

IV. *And be it further enacted*, That if any person or persons shall cut or break open any gate which may be erected on said bridge, or shall do any other voluntary or wilful damage to said bridge, every person so offending shall forfeit and pay to the said John Mack, his executors, administrators or assigns, for every such offence, over and above the damage done to said bridge, the sum of five dollars, to be recovered in any court having cognizance thereof.

Penalty for
demanding
unlawful
toll.

V. *And be it further enacted*, That if the said John Mack, or his assigns, shall take or demand, or cause to be taken or demanded, any greater toll for crossing said bridge than is herein before specified, he and they shall forfeit for every such offence the sum of five dollars, the one half of which said sum, when recovered, shall be paid to the use of the poor of the town, and the other half to any person who may prosecute for the same; *Provided*, That no action shall be brought unless within thirty days after such offence shall be committed; *And further*, That a recovery in an action brought for the penalty imposed by the above section of this act, shall be a bar to any other action or prosecution for offences against the last aforesaid section committed before such recovery.

Proviso.

When the
bridge is out
of repair the
gate shall be
kept open.

VI. *And be it further enacted*, That whenever the said bridge shall be out of repair, unless the same shall be repaired in convenient time by the said John Mack, the commissioners of highways of the town in which the said bridge may be situated, may open and remove any gate or other obstruction to the passing over said bridge; and that it shall thereafter be unlawful for the said John Mack, or his assigns, to obstruct the free passage of the said bridge, or demand and receive toll from any traveller or other person, until the necessary repairs be made; and in case such repairs shall be made by the said commissioners, then and in that case, until the costs and charges of making such repairs be first paid by the said John Mack: *Provided*, That if the said John Mack, or his assigns, may feel himself or themselves aggrieved on account of those costs and

Proviso.

charges, or by any thing done by said commissioners by virtue of this act, he and they may apply to either of the courts of common pleas for Niagara and Chautauque counties; and such order as said court shall make touching said grievance shall be conclusive.

VII. *And be it further enacted*, That travellers and others, with their carriages and property, may at all times cross said creek on the ice free of toll, any thing in this act to the contrary notwithstanding. Persons may cross the ice free of toll.

VIII. *And be it further enacted*, That the said John Mack, his executors, administrators and assigns, shall and may have full power to erect and extend a bridge across said creek, and in case the same be carried away by flood, or otherwise destroyed, to rebuild the same: *Provided*, That the said John Mack shall commence building said bridge, and have the same completed within two years from and after the passing of this act: *And provided also*, That in case the said bridge shall be carried away by flood, or destroyed by accident in any way, that then and in that case the said John Mack, or his assigns, shall rebuild the same within twelve months after such accident shall happen, and shall, during the time said bridge shall be re-building, keep a safe and sufficient ferry across said creek, and be allowed the same rates of ferriage as are herein allowed for toll. The bridge may be rebuilt if destroyed.

Proviso.

IX. *And be it further enacted*, That this act shall continue in force twenty-one years from and after the passing of the same, and no longer: *Provided always*, That nothing in this act contained shall be so construed as to authorise the said John Mack, or his assigns, after the expiration of seven years from the passing of this act, to demand or receive of any traveller or other person any larger or other toll than the the court of common pleas for the county of Niagara or Chautauque shall and may, from time to time, order and direct: *And further*, That at the expiration of this act the same bridge shall become public property. This act shall be in force for 21 years.

CHAP. CXXXVI.

An ACT confirming the proceeding of Town-Meetings held for the election of Town-Officers in certain Towns in the Counties of Niagara and Montgomery, and for other purposes.

Passed June 12, 1812.

WHEREAS it is represented that the inhabitants of the towns of Cambria, Hartland, Porter and Schlosser, in the county of Niagara, and the town of Lake-Pleasant, in the county of Montgomery, held town-meetings in their respective towns on the first Tuesday of April last, agreeably to the provisions of the bills which had passed the two houses of the Legislature for erecting said towns: And whereas the said bills were prevented from becoming laws previous to the day of holding town-meetings in said towns, by the prorogation of the Legislature: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the proceedings of the town-meetings held in the aforesaid towns, for the election of town-officers, on the first Tuesday of April last, be and the same are hereby confirmed and made valid; and in case any vacancies in any of the town-officers shall happen, by refusing to serve or otherwise, the same shall be filled in the manner prescribed by the act, entitled "an act relative to the duties and privileges of towns," passed the twenty-seventh day of March, one thousand eight hundred and one.

II. *And be it further enacted,* That it shall not be necessary for the supreme court of judicature of this state to appoint circuit courts at the next August term thereof, to be holden in and for the counties of Niagara and Genesee during the present year.

CHAP. CXXXVII.

An ACT to extend the Charter Rights of the Cayuga Bridge Company.

Passed June 12, 1812.

WHEREAS the Cayuga bridge company have, Proamble. by their petition to the Legislature, requested an extension of the capital stock of said company, for the purpose of erecting a permanent bridge across the Cayuga lake, between the villages of East and West Cayuga, in addition to their bridge built over the outlet of said lake : And whereas there are numerous petitions before the Legislature, from the inhabitants of the western counties of this state, praying for the grant of a lottery to raise funds to erect a bridge across said lake, at the place aforesaid, which have been suspended in consequence of a concurrent resolution of the senate and assembly, directing the attorney-general to take legal measures to try the validity of the charter rights of said company : And whereas a portion of the said petitioners, more immediately interested in the erection of a bridge across the Cayuga lake, have signified their acquiescence in an extension of the charter rights of the said Cayuga bridge company, to enable them to build a bridge across the said lake, between the villages of East and West Cayuga, and in that event are willing to relinquish the application made by them for the grant of a lottery for the purpose aforesaid : *Provided*, The said Cayuga bridge company shall proceed without delay to build a good and substantial bridge at the place aforesaid, and shall complete the same in a reasonable time : And whereas the said Cayuga bridge company have, by their agent, consented and agreed to build said bridge on the terms and conditions aforesaid, and to be bound by the provisions and restrictions herein after mentioned : Therefore,

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the Cayuga bridge company to issue one thousand shares of stock of said company, of fifty dollars each, in addition to the present capital stock of

The company may issue 1000 additional shares of stock.

For building
a bridge
across the
lake.

the said company, for the purpose of building a substantial bridge across the Cayuga lake, on the site of the first bridge erected by the said company, between the villages of East and West Cayuga; which said additional shares, together with the former shares issued in pursuance of the act incorporating said company, shall constitute the capital stock of the said company.

Privileges
and restric-
tions of the
company.

II. *And be it further enacted*, That whenever the said bridge shall be completed across the Cayuga lake, the said Cayuga bridge company shall have, possess and enjoy, all the rights, privileges and immunities, which were granted to them, and be subject to all the restrictions, disabilities and forfeitures, imposed upon them by the act incorporating "the Cayuga bridge company," and the several acts amending the same: *Provided*, That all persons residing

Provide.

within one mile of said bridge, on both sides of said lake, shall, at all times after the same shall be completed, have the privilege of passing and re-passing on the said bridge, on foot, without being liable or subject to the payment of toll; and all persons going to or returning from public worship on the sabbath, at either of the villages of East or West Cayuga, shall likewise be exempted from the payment of toll: *Provided also*, That any troops in the service of this state or of the United States, or of any of the said states, and all artillery, all waggons and other carriages, and stores of every kind, belonging to this state or to the United States, shall pass the said bridges respectively, or either of them, without paying toll:

Further pro-
viso.

And provided further, That the said company shall not have the privilege of varying the said toll, so as to make any discrimination between the said bridges, but the same shall be uniform at both, and a reduction of toll by the company as to either of the said bridges, shall be a reduction of the same as to both bridges.

The bridge
across the
outlet of the
lake shall be
kept in re-
pair.

III. *And be it further enacted*, That the Cayuga bridge company shall, at all times hereafter, be required to keep the bridge built by them across the Cayuga outlet, in good and sufficient repair; and in case the same shall fall, be carried away or become

impassable, to rebuild and keep in repair the said bridge; and they are hereby authorised to demand and take the like toll for crossing the said bridge as is allowed them in the before mentioned acts, but in case either of the said bridges shall become impassable for the space of thirty days at any one time, then and in that case all the rights and privileges conferred on the said Cayuga bridge company, by this or any former act of the legislature, shall cease and determine, and the said Cayuga bridge company shall be deemed to have forfeited all their charter rights: *Provided however*, That if either of the said bridges should fall or be carried away, no such forfeiture shall take place, if the said Cayuga bridge company shall rebuild the same within one year thereafter.

If either of the bridges shall be impassable for 30 days.

The company shall forfeit their charter.

Provide.

IV. *And be it further enacted*, That unless the said Cayuga bridge company shall commence the building of the said bridge across the Cayuga lake, pursuant to the true intent and meaning of this act, on or before the first day of September next, and shall complete the same on or before the first day of November, in the year one thousand eight hundred and thirteen, in a good and substantial manner, then the rights and privileges hereby intended to be conferred on the said Cayuga bridge company, shall cease and determine, and the said Cayuga bridge company shall not have, possess or enjoy, any other or greater rights and privileges than they legally possessed before the passing of this act, any thing herein contained in any wise to the contrary notwithstanding.

Time limited for completing the bridge.

V. *And be it further enacted*, That in case the said Cayuga bridge company shall refuse or neglect to commence and build a bridge across said lake, according to the true intent and meaning of this act, within the time limited as aforesaid, then the Cayuga bridge company shall be deemed to have forfeited all right to build a bridge across the Cayuga lake, at the place aforesaid, which they may have had by virtue of any law of this state, and the legislature may authorise the erection of a bridge by any other person or persons, or body politic and corporate, at their pleasure, across

If the company refuse or neglect to build the bridge.

They shall forfeit their right to the same.

the said lake, at the place aforesaid, any thing in the act incorporating the Cayuga bridge company, or any other act of the legislature to the contrary notwithstanding.

CHAP. CXXXIII.

An ACT to incorporate the Hamilton Turnpike Road Company.

Passed June 12, 1812.

J. Richards
and others
incorporated.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Alexander Richards, Abijah Hammond, Samuel Boyd, David A. Ogden, Thomas L. Ogden, Stephen Van Rensselaer, Russel Attwater, Richard Harrison and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the village of Hamilton, in the town of Madrid, in the county of St. Lawrence, and to run from thence in the best and most direct route until it intersects the St. Lawrence turnpike road, at such point or place as the commissioners herein after named may judge most convenient to the public, and their successors, be and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Hamilton turnpike road," and they are hereby ordained, constituted and declared, a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions, complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying, any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Their style
and powers.

Proviso.

II. *And be it further enacted*, That the stock of ^{Amount of} the said company hereby incorporated shall consist of ^{stock.} six hundred shares, of fifty dollars each, and that David A. Ogden, Russel Attwater, Alexander Richards, Stillman Foot, Daniel Campbell, Isaac Burk and Gouverneur Ogden, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

III. *And be it further enacted*, That the said com- ^{Rates of toll.}pany hereby incorporated shall be entitled to ask and receive, at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: For every cart or waggon, drawn by one horse, mule or ox, six cents; for every cart or waggon, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of three cents; for every stage-waggon, chariot, coach, coachee, phaeton, curricule or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents, and in like proportion for every additional horse; for every horse rode, six cents; for every horse led or driven, four cents; for every sleigh or sled, drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule, three cents; for every sleigh or sled, drawn by one horse, ox or mule, six cents; for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents: *Provided*, That nothing in this act contained shall be ^{Provide,} construed to entitle the said corporation hereby created to demand or receive toll at any gate of or from any person passing to or from public worship or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within one mile of the said gate, or from any person

or persons who are entitled to vote, when going to or returning from any town-meeting or election for the purpose of giving a vote, or from any person going for a physician or midwife or returning, or from any troops in the service of this state or of the United States, or from any person going to or returning from any training where, by the laws of this state, they are required to attend: *And provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon said road, the tire or track of the wheel whereof is six inches wide, or more than one-fourth of the above toll from those of nine inches wide; and that the said president and directors shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may be conveniently read, a printed list of the rate of toll which may be lawfully demanded.

This road may be made of the same dimensions as the St. Lawrence turnpike.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to complete the turnpike road hereby authorised, according to the dimensions and in the manner prescribed for making and completing the St. Lawrence turnpike road, in and by an act, entitled "an act to incorporate the St. Lawrence turnpike road company."

Committee to lay out the road.

V. *And be it further enacted*, That Reuben Ashman, Samuel B. Anderson and Isaac Burhans, or any two of them, be a committee to be under oath to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

Privileges.

VI. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. CXXXIX.

An ACT *further to provide for the defence of the Frontiers, and for other purposes.*

Passed June 12, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the person administering the government of the state, by and with the advice and consent of the council of appointment, to appoint two assistant commissaries of military stores, one of whom shall reside in the western district and the other in the eastern district of this state, whose duty it shall be, under the direction of the commissary of military stores, to visit and inspect the public arsenals in their several districts, and the property therein, to see that the same be kept in good order and condition, and who shall report thereon, twice in each year to the commissary of military stores, and the commissary shall twice in each year, report, the quantity and condition of all the arms and military stores belonging to this state, to the person administering the government thereof. Each of the said assistant commissaries shall, before he shall enter upon the duties of his office, take an oath well and truly to perform the duties required by this act, and shall also enter into a bond to the people of this state in the penal sum of ten thousand dollars, with two substantial freeholders, as sureties, to be approved of by the comptroller of this state, conditioned for the honest and faithful discharge of the duties of the said office; and the assistant commissary for the western district, shall be entitled to receive a salary of six hundred dollars per annum; and the assistant commissary for the eastern district, a salary of four hundred dollars per annum, to be paid in the same manner as the salary of the commissary of military stores.

Two deputy commissaries may be appointed.

Their salaries.

II. *And be it further enacted,* That it shall be the duty of the said commissary to appoint one armorer at each of the arsenals established by law in this state to take care of the arms, accoutrements and military stores deposited in said arsenals, and to keep them al-

Armorer to be appointed

ways in good order and fit for service, and for that purpose to employ from time to time, as often as shall be necessary, such mechanics and laborers as may be requisite for such purpose, in addition to the persons employed as guards, and that each of said armorers shall be entitled to receive for his services such sum as the person administering the government of this state for the time being, shall direct, and all expenses arising from the employment of the mechanics and laborers necessarily employed by him for the purposes abovesaid, which said sums shall be paid on the warrant of the comptroller, on the certificate of the commissary or either of his assistants, of the services having been performed and the settlement of the accounts of such armorer.

Arms, &c. to
be sent to
the arsenals
and guards
employed to
protect them

III. *And be it further enacted,* That it shall be lawful for the person administering the government, at the expense of this state, to cause to be transported and deposited in the arsenals from time to time, such additional quantities of arms, ammunition and military stores as he may deem necessary; and whenever in his opinion, the security of said arsenals may require it, to employ and organize a guard for each of the said arsenals, to consist of one corporal and six privates, to erect a guard house for such guard, and to prescribe rules and regulations for their government: And the said corporal shall receive twenty dollars per month, and each private fifteen dollars per month, for pay, rations, subsistence and clothing whilst they shall be so employed, to be paid quarterly by the assistant commissary of the district, and the comptroller shall draw his warrant on the treasurer in favor of the said assistant commissary for the same; *Provided,* That the said guards hereby authorised to be employed and organized shall not be used or employed (except in case of actual invasion) for any other purpose than that of guarding the said arsenals, and in assisting in such other services as may be required of them in keeping the said arms and military stores in good order and repair, and in protecting and preserving the property which may be deposited in said arsenal.

Previous.

IV. *And be it further enacted,* That it shall be law-

ful for the commissary of military stores under the direction of the person administering the government, to purchase timber for gun carriages, to the value of two thousand dollars, which timber shall be deposited in safe and secure places to be seasoned.

Timber for gun carriages may be procured.

V. *And be it further enacted*, That it shall be lawful for the commissary of military stores under the direction aforesaid, to provide tents, knapsacks, camp-kettles and other necessary camp-equipage for four thousand men, and also such further quantities of cannon, ball, shells, powder and fixed ammunition, and other needful articles, as the person administering the government of this state, shall direct, for which purpose, the sum of twenty-five thousand dollars is hereby appropriated, to be paid to the order of the person administering the government upon the warrants of the comptroller.

Camp equipage, &c.

VI. *And be it further enacted*, That it shall be lawful for the commissary of military stores, under the direction aforesaid, to purchase two thousand five hundred muskets, five hundred rifles, five hundred horse-pistols, and two hundred and fifty swords, with the necessary equipments; and the comptroller is hereby directed, on the order of the governor, to draw his warrant on the treasurer, for such sum or sums of money as may be necessary for the purpose aforesaid, not exceeding fifty thousand dollars.

Muskets, &c.

VII. *And be it further enacted*, That any balance which may appear to be due to the person administering the government of this state, for the purchase of the ordnance, small arms and ammunition heretofore directed by law to be purchased, shall and may be allowed and paid by the comptroller out of any monies in the treasury not otherwise appropriated.

Balance due governor to be allowed.

VIII. *And be it further enacted*, That if it shall become necessary at any time, for the person administering the government in the recess of the legislature, on account of war, invasion, or other emergency, to order out a military force for defence, it shall be lawful for the comptroller to draw warrants on the treasurer, to meet the payment of the immediate expenses of such emergency, not exceeding fifty thousand dollars, of

Military force may be ordered out on emergency.

which an account shall be rendered at the next session of the legislature, thereafter.

Muskets, &c., may be sold to the militia

IX. *And be it further enacted*, That it shall be lawful for the commissary of military stores, and his assistants, to sell out of the public arsenals for cash, to any citizen of this state belonging to the militia, who shall produce a certificate from the commanding officer of the company to which such person belongs, of his actual residence within the limits of, and of his enrolment in, said company, a good musket and bayonet with the necessary equipments, or a rifle, pistols, sword or knapsack, at the price which the same may have cost the state; and that the said commissary and his assistants shall in their returns to be made as aforesaid, specify the number and kind of arms and equipments so sold, and the names of the persons to whom sold, and of the commanding officers of the companies of militia to which they respectively belong, and shall pay quarterly into the treasury, the money received for such arms and equipments.

A guard of artillery may be stationed at the Narrows.

X. *And be it further enacted*, That it shall be lawful for the person administering the government, to raise and employ a guard of uniformed artillery, consisting of one lieutenant, with the rank of captain, one sergeant, two corporals, two musicians, and twenty-five privates, to guard the fortifications and other public works at the Narrows, near the city of New-York, and that the said lieutenant shall receive fifty dollars per month; the serjeant twenty-five dollars per month; each corporal and musician twenty dollars per month; and privates eighteen dollars per month, for pay, rations, subsistence and clothing; to be paid by the commissary of military stores, and to be drawn out of the treasury in the same manner as is herein before prescribed with respect to guards for the arsenals: *And further*, that the said guards shall be furnished with arms and accoutrements whilst in service, and with barracks, at the expense of this state, and shall be disciplined, exercised, employed and regulated, in such manner as the person administering the government of this state may from time to time direct, and may be discharged at any time.

XI. *And be it further enacted*, That the possession of the said fortification and public lands at the Narrows, shall be deemed to be in the person administering the government, who is hereby authorised to make such agreement and agreements with the government of the United States, or with the legally authorized agents thereof, and with the mayor, aldermen and commonalty of the city of New-York, for the establishment of a telegraph observatory and signal poles on the said public ground, as he may deem most conducive to the interests of this state, and to the safety of the city and harbor of New-York; and it shall also be in his power to direct the aforesaid guard or such other person or persons as may have the immediate charge and superintendence of the said fortifications and public ground, to remove therefrom by force any person or persons who shall trespass thereon and refuse to depart upon notice and warning so to do, and to remove or destroy all fixtures, or other obstructions which have been, or may be placed or found in the water, or upon the shore fronting the public property.

Telegraph
may be es-
tablished.

XII. *And be it further enacted*, That if any person or persons shall spike any cannon, or wilfully injure, damage, spoil or embezzle any of the arms, ammunition or other military stores belonging to this state, such person or persons shall be deemed guilty of a high misdemeanor, and shall upon conviction thereof, in any court having cognizance thereof, be fined not exceeding two thousand dollars, or imprisoned in the state prison at hard labor, not exceeding seven years at the discretion of the court.

Penalty for
spiking can-
non, &c.

XIII. *And be it further enacted*, That the further sum of twenty-five thousand dollars be and hereby is appropriated for the completion of the fortifications on Staten-Island, erecting under the authority of this state, and that the sum of twenty thousand dollars, granted by the second section of the act, entitled "an act to contribute to the defence of this state, and for other purposes," passed April 6th, 1808, may, without the co-operation of the general government, be applied and expended in erecting works of defence, or in any

25,000 dollrs.
allowed to
complete for-
tifications.

other way which may be deemed best calculated to accomplish the object contemplated by the said second section of the aforesaid act.

Additional
arsenals may
be erected.

XIV. *And be it further enacted*, That the authority to erect places of deposit for military stores, given by the act, entitled "an act for the defence of the northern and western frontiers," passed February 12th, 1808, shall be and hereby is extended to such counties on the frontiers of this state as shall, in the opinion of the person administering the government of this state, be necessary and proper.

Rules may
be made for
distributing
arms.

XV. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, to prescribe such rules, orders and regulations relative to the distribution of the said arms, ammunition and military stores to the militia when called out to actual service, as to him may appear proper.

State barge
may be built,

XVI. *And be it further enacted*, That it shall be lawful for the person administering the government, to provide and equip at the expense of this state, a boat or barge in the harbor of New-York, for the use of the state.

Recital.

And WHEREAS it is proposed on the part of the United States to purchase, as a site for the erection of magazines, arsenals, barracks, and other needful buildings, the following tract of land, that is to say—All that certain farm, piece or parcel of land, situate, lying and being in the town of Greenbush, in the manor of Rensselaerwick, county of Rensselaer and state of New-York, which was leased by Stephen Van Rensselaer to Christopher Yates on the sixteenth day of August, one thousand seven hundred and ninety, and is bounded as follows, to wit—beginning at a stake and stones standing at the distance of twelve chains and forty-five links from the south west corner of the kitchen on the premises, on a course north forty-nine degrees thirty minutes west, and runs thence north forty-nine degrees and thirty minutes west one chain and six links; thence north fifty-nine degrees forty-five minutes west six chains and seventy-eight links; thence north twenty-nine degrees east three chains and seventy-three links; thence north sixteen degrees east

nine chains and twenty-four links; thence south sixty degrees east seven chains and twenty links; thence south thirty-four degrees east one chain; thence south fifty degrees east two chains; thence north fifteen degrees east twenty-nine chains; thence south thirty-nine degrees east thirty-eight chains and twelve links; thence due east ten chains; thence south eleven degrees thirty minutes east, forty-eight chains and eighty links; thence due west thirty-two chains and twenty links; thence due north ten chains; thence north twenty-six degrees, west five chains fifty-three links; thence south thirty-seven degrees six chains and forty-seven links; thence north eighteen degrees, west two chains and twenty-seven links; thence north ten degrees, west three chains and seventy-one links; thence north two degrees, west three chains and fifty-eight links; thence north seventy degrees, east one chain and eighteen links; thence north eighteen degrees, west four chains and eighty-seven links; thence north seventy-seven degrees and forty minutes, west two chains and ninety-seven links; thence south fifteen degrees and forty minutes, west twelve chains and thirty-one links; thence south nine degrees, east eight chains and thirty-four links; thence south fifty seven degrees, east two chains and forty-four links; thence south seventeen degrees, west nine chains; thence north sixty-eight degrees, west twenty-two chains and thirty links; thence due south four chains and forty links; thence north sixty degrees, east six chains; thence north twenty-nine degrees, west six chains and twenty links; thence north thirteen degrees, west three chains; thence south eighty degrees, east five chains twenty-one links; thence south thirty-two degrees eighteen minutes, east six chains and forty links; thence south three degrees forty-two minutes, west one chain eighty links; thence south eighty-nine degrees forty-eight minutes, east four chains thirty links; thence north three degrees forty-two minutes; east nine chains and ninety links; thence south eighty-six degrees eighteen minutes, east six chains and twenty links; thence north three degrees forty-two minutes,

east fourteen chains and fifty links ; thence north eighty-six degrees eighteen minutes, west six chains and twenty links ; thence south three degrees forty-two minutes, west three chains and eighty links ; thence north forty-two degrees and eighteen minutes, west ten chains and eighty links to the beginning, containing two hundred and sixty-one acres and three tenths of an acre : Therefore,

Lands ceded
to the United
States for
building bar-
racks, &c.

Proviso.

XVII. *Be it further enacted*, That the consent of the legislature of this state be and the same is hereby given to the purchase of the said tract of land by the United states, and that the jurisdiction over the said tract of land shall be and the same is hereby ceded to and vested in the United States : *Provided*, That this cession shall not prevent the execution of any process, civil or criminal, issuing under the authority of this state, in or upon the said tract of land, or to prevent the operation of the public laws of this state upon the said tract, so far as the same may not be incompatible with the free use and enjoyment of the said premises by the United States for the purpose above specified.

CHAP. CXL.

An ACT concerning the *Hillsdale and Chatham Turnpike*.

Passed June 12, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited for the completion of the two additional sections of the road attached to the Hillsdale and Chatham turnpike, by virtue and in pursuance of the act, entitled "an act supplementary to the act entitled an act to establish a turnpike corporation for improving the road from the house of David Crossman, junior, near the Massachusetts line, to intersect the Rensselaer and Columbia turnpike on the present road leading from Kinderhook to Albany, and for other purposes, passed March 25th, 1808," be and the same is declared to be extended for the term of three years from the time of passing this act,

CHAP. CXLI.

An ACT to incorporate the Newburgh and Plattekill Turnpike Company.

Passed June 12, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That Daniel Smith, Henry Butterworth, Jonathan Bailey, Justice Cooley, Robinson Penny and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road from the house of Daniel Smith, in the town of Newburgh, in the most direct and convenient route from thence to the house of Joseph Penny, in the town of Plattekill, in the county of Ulster, and their successors, be and they are hereby created and made a body corporate and politic, by the name of "the president and directors of the Newburgh and Plattekill turnpike company," and they are hereby created and declared a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and by that name be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, and in all manner of actions; and by the same name shall be capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

D. Smith and others, incorporated.

Their style, &c.

Provide.

II. *And be it further enacted*, That the capital stock of the said company shall consist of five hundred shares, of twenty dollars each share, and that Alexander Ross, Daniel Smith, Henry Butterworth, Jonathan Bailey and Robinson Penny, be and hereby are appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies."

Amount of stock.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for every number of miles not less than

Rates of toll.

ten in length of said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same. For every waggon, drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox, attached to such waggon; for every cart or other carriage, drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, attached to such cart or other carriage, three cents; for every horse and rider, five cents; for every horse led or driven, three cents; for every cart, drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage, with one horse, twelve and a half cents; for every chariot, coach or coachee, or phaeton or other four wheel pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage-waggon, drawn by two horses, twelve and a half cents, and four cents for every additional horse attached to such stage-waggon.

Number of
Directors.

Privileges.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, three of whom shall be a quorum, and capable of managing the business of said company hereby incorporated, and shall have and enjoy all the rights, privileges and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said general act, passed the thirteenth day of March, 1807: *Provided however*, That the chord of the arch of the road hereby authorised to be made, shall not be less than twenty-two feet.

Gates where
to be placed.

V. *And be it further enacted*, That it shall not be lawful to place any gate for the collection of toll on the

said turnpike road at any place within four miles from the place of beginning, at the house of the said Daniel Smith, and that no toll shall be demanded or received from any persons crossing any of the toll-gates placed on the said road, with their carts, waggons or sleds, for the purpose of procuring fire-wood for their own use off their own lands.

VI. *And be it further enacted*, That the five first sections of the act, entitled "an act to incorporate the Newburgh and Plattekill turnpike road company, and for other purposes," passed April 5th, 1810, be and the same is hereby repealed. Section repealed.

CHAP. CXLII.

An ACT to incorporate the Cortland and Seneca Turnpike Company, and for other purposes.

Passed June 12, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Jonathan Hubbard, David Jones, Parley Whitmore and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, from or near the dwelling-house of Daniel Miller, in the town of Homer, in the county of Cortland, on the most direct and practicable route to the village of Ithaca, in the town of Ulysses, in the county of Seneca, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of the president, directors and company of the Cortland and Seneca turnpike road subject to the restrictions, regulations and provision, and with all the rights and advantages, powers and privileges, contained in the act of the legislature of this state, entitled "an act relative to turnpike companies" passed the thirteenth day of March, 1807. J. Hubbard and others, incorporated.

II. *And be it further enacted*, That the capital stock of the said company shall not exceed in amount the sum of twenty-five thousand dollars, and each share shall be twenty dollars, and no more; and that David Jones, Parley Whitmore, John Ellis, Daniel White, Jonathan Hubbard and Moses Lutterfield, shall be and Their style, &c.
Amount of stock.

hereby are appointed commissioners to receive subscriptions to the said stock, and as soon as five hundred shares of the said stock shall be subscribed for, the subscribers shall proceed to choose their directors to manage the concerns of the said company, agreeable to the said act relative to turnpike companies.

Rate of toll. III. *And be it further enacted,* That as soon as twelve miles of the said road are completed, it shall and may be lawful for the president and directors to erect one gate, not less than six miles from either end of said road, for the purpose of collecting the toll or duties thereof, that is to say : For every score of cattle, horses or mules, fifteen cents ; for every score of sheep or hogs, eight cents ; for every horse and rider, eight cents ; for every led or driven horse, four cents ; for every chair, sulkey or chaise, fifteen cents ; for every cart, drawn by one horse, six cents ; for every coach, coachee or chariot, thirty cents ; for every stage-waggon or other four wheel carriage, drawn by two horses, mules, or oxen twelve and an half cents, and three cents for every additional horse, mule or ox ; for every cart, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, two cents ; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, two cents : *And further,* Whenever the said president, directors and company, shall have completed the residue of said road, it shall and may be lawful to erect one other gate, not less than twelve miles from the first, and ask, demand and receive, the like toll as is heretofore allowed.

IV. *And be it further enacted,* That it shall and may be lawful for the toll-gatherers to stop and detain any person riding, leading or driving, any horses, cattle, mules, sheep or hogs, or any carriage, until they have paid their respective tolls, except such person or persons as are excepted in the aforesaid act, entitled "an act relative to turnpike companies."

CHAP. CXLIII.

An ACT to divide the County of Dutchess.

Passed June 12, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That all that part of the county of Dutchess included in the towns of Philipstown, Carmel, Frederick, Patterson and Southeast, bounded on the east by Connecticut, on the south by Westchester county, on the west by Hudson's river, and on the north by the towns of Fishkill and Pawlings, shall be one separate and distinct county, and shall be called and known by the name of Putnam.

County of Putnam created.

II. And be it further enacted, That there shall be held in and for the said county of Putnam a court of common pleas, and a court of general sessions of the peace, and that there shall be two terms of the same courts in the same county in every year, to commence as follows, to wit: The first term of the said court shall begin on the third Tuesday in October, and the second term shall begin on the second Tuesday in April, and may continue to be held until the Saturday following, inclusive; and the said courts of common pleas and general sessions of the peace shall have the same jurisdiction, powers and authority, in the said county, as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties: *Provided*, That nothing in this act contained shall be construed to affect any suit or action, in any court whatever, already commenced before the last Monday in June, in the year one thousand eight hundred and twelve, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

Courts how to be holden in it.

Proviso.

III. And be it further enacted, That the said courts of common pleas and general sessions of the peace, in

Places where the courts shall be holden.

the said county of Putnam, shall be holden at the Baptist meeting-house, in the town of Carmel, until a court-house shall have been built as herein after directed and provided, after which time it shall and may be lawful for the said courts to adjourn to the said court-house, and thereafter continue to hold the terms of the said courts at the said court-house, and no action or prosecution depending in the said courts shall be abated, discontinued or in any wise prejudiced in law by such adjournment.

Privileges of
the inhabi-
tants.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said county hereby erected, shall have and enjoy all and every the same rights, powers and privileges, as the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy.

County shall
elect one
member of
Assembly.

V. *And be it further enacted*, That the said county of Putnam shall be entitled to elect one member of assembly, and the county of Dutchess shall be entitled to elect five members of assembly, in the same manner as other counties in this state are by law entitled.

VI. *And be it further enacted*, That it shall be the duty of the supervisors of the said counties of Dutchess and Putnam to meet together on the first Tuesday in October in the year one thousand eight hundred and twelve, at the village of Poughkeepsie, and adjust all accounts, and apportion all the monies in the hands of the treasurer of the said county of Dutchess, as to them, or a majority of them, shall appear just and equitable.

Monies shall
be raised for
building
court-house
and gaol.

VII. *And be it further enacted*. That the supervisors in the several towns in the county of Putnam, for the time being, or a majority of them, shall be and they are hereby authorised and required to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding six thousand dollars, for building a court-house and gaol in said county, with the additional sum of three cents on each dollar for collecting the same, which sums shall be raised at such times, levied and collected, in the same manner as the other necessary and contingent charges of the county are levied and collected.

VIII. *And be it further enacted*, That Joseph Crane, Stephen Barnum, Joel Frost, Jonathan Ferris and John Jewitt, are hereby appointed commissioners to fix on the site for a court-house and gaol in said county of Putnam, and to superintend the building thereof; and the said commissioners, or a majority of them, may contract with workmen, and purchase materials for erecting said court-house and gaol, and shall, from time to time, draw upon the treasurer of the said county for such sums of money, for the purposes aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury, when thereunto required.

Commissioners for building the same

IX. *And be it further enacted*, That it shall and may be lawful for all courts, and officers of the said county of Putnam, in all cases, criminal and civil, to confine their prisoners in the gaol of the county of Dutchess, until a gaol shall be erected and finished, in the manner hereafter mentioned, in the said county of Putnam.

Prisoners may be confined in the gaol of Dutchess county.

X. *And be it further enacted*, That the building to be erected for a gaol at the place which shall be designated as aforesaid, shall be the gaol of the said county of Putnam; and as soon as the same shall be completed in such manner as, in the opinion of the sheriff of the county, is sufficient to confine his prisoners, it shall and may be lawful for such sheriff to remove his prisoners, either upon civil or criminal process, to such gaol, and confine them therein, and such removal shall not be deemed an escape in such sheriff.

When the gaol is completed prisoners may be removed to it.

XI. *And be it further enacted*, That it shall be lawful for the treasurer of the said county of Putnam to retain in his hands one cent on each dollar for his trouble in receiving and paying out the monies directed to be raised in the said county by this act.

Treasurer's fee.

CHAP. CXLIV.

An ACT *further to amend an Act, entitled "An Act for establishing a Turnpike Corporation for improving and making a Road from Cherry-Valley, in the County of Otsego, to intersect the Seneca Turnpike Road, in the County of Onondaga, and for other purposes."*

Passed June 12, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That the president and directors of the first, second and third great western turnpike road company, instead of the rates of toll formerly demanded in like cases, shall and may receive at each of their gates the following rates of toll; For each waggon, drawn by four horses or oxen, seventy-five cents; for each waggon, drawn by five horses or oxen, eighty-seven and an half cents; and for each waggon, drawn by six horses or oxen, one dollar; and one-fifth of said rate of toll, if the tire of said waggons shall be six inches broad or upwards.

II. *And be it further enacted*, That any person or persons who shall take or cause to be taken off from any such waggon, any horse or horses, ox or oxen, when they arrive near any gate on said turnpikes, or shall take round any of said gates, any carriage or carriages, or horse or horses, ox or oxen, in order to defraud said companies, shall forfeit to said companies for each offence five dollars, to be sued for and recovered by action of debt, in the name of the treasurer of said companies: *Provided*, That persons moving with their families and household furniture shall not be subject to the above increased toll; *Provided*, That this act shall not go into effect until the first day of May, 1813: *Provided always*, That this act shall continue in force for the term of seven years from and after the said first day of May next, and no longer,

CHAP. CXLV.

An ACT for dividing the Town of Sparta, in the County of Ontario.

Passed June 12, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Sparta, in the county of Ontario, comprehending township number eight, in the seventh range, and the west half of township number eight, in the sixth range of Phelps and Gorham's purchase, be and hereby is erected into a separate town by the name of Groveland, and that the first town-meeting be held at the dwelling-house now occupied by William Doty, in said town.

II. And be it further enacted, That all the remaining part of the town of Sparta shall be and remain a separate town by the name of Sparta, and that the next town-meeting shall be held at the dwelling-house now occupied by Jacob Brower, in said town.

III. And be it further enacted, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of said towns of Sparta and Groveland, on notice being first given by the supervisors of said towns for that purpose, shall meet together and divide the money and the poor belonging to the town of Sparta previous to the division, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor.

CHAP. CXLVI.

An ACT authorising the Board of Supervisors of the County of Otsego to levy and raise, by tax, Money for erecting a Fire-Proof Clerk's Office in said County.

Passed June 12, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the board of supervisors

empowered, from time to time, to make, ordain, or constitute and establish such prudential rules, orders or regulations, not inconsistent with the laws of this state or the United States, as a majority of them shall judge necessary and expedient for the managing, and better securing to the said corporation the property heretofore vested in them, and also for well ordering and regulating the said school in such manner as will best promote the interest of the said institution.

CHAP. CLXVIII.

An ACT to alter the times of holding the Court of Common Pleas, in Dutchess County, and for other purposes.

Passed June 12, 1812.

BE it enacted by the people of the State of New York, represented in Senate and Assembly, That from and after the passing of this act, the term of the court of common pleas of the county of Dutchess which is now held on the second Monday of January shall commence and be held on the third Monday of January, and shall continue, if necessary, until the Saturday thereafter inclusive; and the term of the said court, which is now held on the last Monday of March shall commence and be held on the second Monday of April, and shall continue, if necessary, until the Saturday thereafter, inclusive; and further that a court of general sessions of the peace shall be held in the said county, at each and every term of the said court of common pleas, from and after the first day of July next.

CHAP. CLXIX.

An ACT to incorporate the Delaware Turnpike Company.

Passed June 12, 1812.

G. D. Wickham and others incorporated.

I. BE it enacted by the people of the state of New York, represented in Senate and Assembly, That George D. Wickham, Abraham Tracy, William A. Thompson, Chancy Beiknap, Daniel Belknap, and

all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the Narrows, on the Delaware river, in lot number one of the seventh allotment of the Minisink patent, and to run from thence on the nearest and most eligible route to Snook's bridge, near the mouth of the Neversink river, in the county of Orange, so as to promote the interest of the public and of this corporation; and they and their successors shall be, and they are hereby created a body politic and corporate, by the name of "the president, directors, and company of the Delaware turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and stile shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of twelve hundred shares of twenty-five dollars each, and that George D. Wickham, Increase B. Stodard, Benjamin Sawyer, and Abraham Tracy be and they are hereby appointed commissioners to receive subscriptions for the said company in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, in the year of our Lord 1807.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on the said road, from all persons using the same, for

every ten miles in length of the said road, and so in proportion for a greater or less distance, the following rates of toll, to wit—for every cart or waggon, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox used before any cart, waggon, or other carriage; for every one horse cart six cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; for every sulkey, chair, chaise or one horse carriage twelve and an half cents; for every horse and rider or led horse four cents; for every sleigh or sled drawn by two horses or oxen six cents, and for every additional horse or ox two cents; for every score of cattle, horses or mules twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs eight cents; for every stage waggon drawn by two horses twelve and an half cents.

Privileges.

IV. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled an act relative to turnpike companies, and shall be subject to all the conditions, restrictions and regulations contained in the said act, excepting the bedding the said road, which shall not be required to be more than twenty feet in width, and that there shall be but seven directors to manage the business of the said corporation, four of whom shall be a quorum.

CHAP. CL.

An ACT to vest certain powers in the freeholders and inhabitants of the village of Cooperstown, in the county of Otsego.

Passed June 12, 1812.

Bounds of
the village.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, to wit—beginning at the east side of the outlet of lake Otsego; thence down the Susquehanna river along the east bank thereof until it strikes the north line of Thomas Shankland's land; thence west

to the east side of Water-street; thence on the said street southerly to the south side of the road leading from Shankland's Mills to Abraham Hartwell's house; thence westerly on the course that said road runs one mile; thence north until it strikes the south line of John Miller's land; thence east along said line to lake Otsego, and from thence along the margin of said lake to the place of beginning, shall be known and distinguished by the name of "the Village of Cooperstown," its name, &c and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may on the third Tuesday of August next, meet at some proper place, to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said third Tuesday of August, and then and there proceed to elect five discreet freeholders resident within the said village to be trustees thereof, who when chosen shall possess the several powers and rights hereinafter specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greater number of votes as duly chosen trustees; and on every third Tuesday of May after the first election of the trustees, there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

II. *And be it further enacted,* That the freeholders and inhabitants, residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name and style of "the Trustees of the Village of Cooperstown," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered into, defending and being defended, in all Style and powers of the trustees.

courts and places whatsoever, in all manner of actions, causes or complaints, whatsoever; and that they and their successors may have a common seat, and may change and alter the same at pleasure; and shall be law capable of purchasing, holding and conveying, an estate, real or personal, for the use of the said village, and of erecting any buildings, digging any reservoir for water, for the use of the said village, and of raising a sum, not exceeding three hundred dollars in any one year, for erecting such buildings, digging such reservoirs, or for improving or repairing such buildings and reservoirs; for purchasing and keeping in repair fire engines, ladders, buckets and other instruments and utensils for the extinguishing of fires, and for the making of any other improvements or regulations in said village that the said trustees may, from time to time, deem necessary: *Provided*, That no tax shall be levied, or money raised, assessed or collected, for the purposes aforesaid, and no purchase or sale of any real estate be made, and no public building or reservoir be made or disposed of, without the consent of the freeholders and inhabitants of said village, or the major part thereof, in open and legal meeting first obtained.

They may
make bye-
laws.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them by this act to be chosen, and for their successors in office forever, from and after the third Tuesday of August next, to make, ordain, constitute and publish, such prudential bye-laws, rules and regulations, not inconsistent with the constitution or laws of the United States or of this state, as they from time to time shall deem meet and proper, and such particularly as are relative to public markets within the said village; relative to the streets, alleys and highways, of the said village, and draining, filling up, paving, keeping in order and improving the same; relative to preventing or extinguishing fires in the said village; relative to slaughter-houses, and nuisances generally; relative to the village watch, and lighting the streets of the said village; relative to the restraining geese, swine or cattle of any kind; relative to the erecting and regulating hay-scales, and relative to any

thing whatsoever that may concern the public and good government of said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision (except the article of bread) that may be offered for sale.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said village, qualified to vote for the trustees as aforesaid, at their annual meeting, or at any other meeting duly notified, shall and they are hereby authorised and empowered to choose one treasurer and one collector, being freeholders of said village, and the person having the greatest number of votes for each office respectively, shall be deemed duly chosen; and in case a vacancy shall happen in either of the above offices respectively, the trustees shall have power of supplying it until the next public meeting: *Provided*, That the vacancy shall be supplied within ten days from the time it shall happen, and that the person supplying it shall be liable to the same penalties and restrictions as if duly elected at a public meeting.

Treasurer
and collector
may be
chosen.

V. *And be it further enacted*, That the trustees, treasurer and collector, shall, before they proceed to execute their respective offices, and within ten days after their election respectively, take and subscribe an oath or affirmation, before any justice of the peace of the county of Otsego, for the faithful execution of the office or trust to which they may be severally elected: *Provided nevertheless*, That the said treasurer and collector, before they take the oath or affirmation aforesaid, shall respectively give security to the trustees of said village for the faithful discharge of their respective offices, in such sum as a majority of them shall deem sufficient.

Trustees,
&c. to make
oath.

And give
security.

VI. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty firemen, out of the inhabitants of said village, and the same or any of them to remove at their pleasure, and to appoint others in their stead; to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such bye-laws,

Firemen
may be ap-
pointed.

rules and regulations, for such company, and inflict, ordain and establish, such penalties for the breaking or disobeying such bye-laws, rules and regulations, as they may deem expedient: *Provided*, That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fine or penalty, whenever a majority of them deem it proper.

Monies may be raised.

VII. *And be it further enacted*, That it shall be the duty of the said trustees, or a majority of them, and of their successors, annually, to assess on the several inhabitants and freeholders of the said village, the aggregate amount of the taxes which the freeholders and inhabitants of the said village shall, at their annual meeting, determine to be raised; levied or collected, from the inhabitants and freeholders of said village, in proportion to the property or situation of the inhabitants so to be assessed, and they shall likewise execute the offices of fire-wardens in said village in cases of fire: *Provided*, That if any person shall deem himself or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the said trustees to any three justices of the peace in the county of Otsego, giving notice to the said trustees of such appeal, and of the time and place for determining therein by such justices, who shall hear the same, and do therein what to justice shall appertain.

President may be chosen.

VIII. *And be it further enacted*, That the trustees, within ten days after their election, or a major part of them, shall and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some other suitable person to be clerk to the said board of trustees; and it shall be the duty of the president, when present, to preside at the meeting of the trustees; to order extraordinary meetings of the trustees whenever he may conceive it for the interest of the village; to hear and receive complaints of the breach of any of the bye-laws of said village; to see that the bye-laws, rules and regulations, of said village,

His duty.

are enforced and faithfully executed ; to prosecute, in the name of the trustees, all offenders against, or violators of, the bye-laws ordained and published as aforesaid ; to keep the seal of the said village, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper : and in case of the death, or absence or inability of the president to discharge the duties of the office, it shall be the duty of the clerk to notify the other trustees of such death, absence or inability, who shall, within ten days thereafter, meet and elect another president out of their body, with the like rights, privileges and duties, as his predecessor, to hold the office until the next annual meeting ; and it shall further be the duty of the president to take care of, protect and provide for the preservation of, all property belonging to the said village as a corporation, to preside over all public meetings of the villagers for the above purposes, and to do all such other acts and things as may be proper for the president of the trustees to do : and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations, as are made by the freeholders and inhabitants of said village at their public meetings, and also to attend the meetings of the trustees, and record all the bye-laws, rules and regulations, passed by them ; and the trustees may have the power of removing such clerk, and appointing another, or appointing any one pro tempore, in case of the absence of the clerk, as a majority of them may agree.

Duty of the clerk.

IX. *And be it further enacted*, That the collector shall, within such time as shall be hereafter provided for by the bye-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer : and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village, or agreeably to the provisions of this act.

Taxes how to be collected.

X. *And be it further enacted*, That the said trustees shall keep an account of their necessary expenses

Accounts to be kept.

and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer and collector shall be paid for their several services such suitable compensation as the legal voters of said corporation, or a majority of them, at their annual meetings, shall deem reasonable and proper.

Penalty for
refusing to
accept an of-
fice.

XI. *And be it further enacted*, That if any one of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or chosen a trustee, and having notice of said election, shall refuse or neglect to serve as such, it shall and may be lawful for the trustees, duly qualified, or the major part of them, to impose and inflict upon such person so neglecting or refusing, such reasonable fine or fines as they may think proper: *Provided*, That such fine shall for no one offence exceed the sum of twenty dollars, to be recovered in the same manner that other fines and penalties are recoverable by this act; and that in all cases where the trustees of the village of Cooperstown shall sue or prosecute for any debts, penalties, fines or forfeitures, by virtue of this act, it shall be sufficient for the said trustees to declare generally, that the defendant is indebted to them by virtue of this act, to the amount of twenty-five dollars or under, and give any special matter in evidence under such declaration.

President to
give notice of
meetings.

XII. *And be it further enacted*, That it shall be the duty of the president of the board of trustees to give notice to the inhabitants of said village of all public meetings, at least one week previous thereto, in such manner as a majority of the trustees may deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they think it necessary.

Term of of-
fice.

XIII. *And be it further enacted*, That the trustees to be elected by virtue of this act shall continue in office, and be authorised and empowered to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the third Tuesday of May next following after their election of trustees as aforesaid, and un-

til a new election for trustees of the said village shall be made pursuant to this act, and until the trustees, so last chosen, shall take and subscribe the oath or affirmation of the office of trustee.

XIV. *And be it further enacted*, That the said trustees, or the major part of them, may make, ordain, limit and provide, such reasonable fines against the offenders against any breaches of the bye-laws which they shall from time to time make, ordain and publish, as they may think proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, with costs of suit, by the trustees to and for the use of said corporation.

Fines for
breaches of
bye-laws.

XV. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts benignly and favorably for every beneficial purpose therein intended.

CHAP. CLI.

An ACT authorising the Comptroller to loan Money to Seth Capron and the Milton Manufacturing Company.

Passed June 12, 1812.

WHEREAS Seth Capron hath, by his petition to the Legislature, represented, that by his great exertions he has succeeded in introducing a number of valuable artizans into this state, and in organizing several extensive associations for carrying on the manufacture of cotton and wool: And whereas it appears by his representation, that in the course of his said undertaking he has expended large sums of money, and incurred extensive pecuniary responsibility, and prays that a loan may be made to him to enable him to complete the valuable works already commenced: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the comptroller be and he is hereby authorised to loan to the said Seth Capron, six thousand dollars out of the

first monies which shall be in the treasury, arising from the school fund, at the rate of six per centum per annum: *Provided*, That the said Seth Capron shall execute a bond to the people of this state, conditioned for the annual payment of the interest, and for the repayment of the principal in seven years, and secure the same, by mortgage, on sufficient real estate within this state, to be approved by the comptroller.

II. *And be it further enacted*, That it shall be lawful for the comptroller to loan to the Milton manufacturing society, in the county of Saratoga, six thousand dollars out of the first monies which shall be in the treasury, arising from the school fund, at the rate of six per centum per annum: *Provided*, That the said Milton manufacturing society shall execute a bond to the people of this state, conditioned for the annual payment of the interest, and for the repayment of the principal in seven years, and secure, or procure the same to be secured, by mortgage, on sufficient real estate within this state, to be approved by the comptroller.

CLII.

An ACT to authorise Dean Edson and James McCrea to erect a Dam across a part of the River Boquet.

Passed June 12, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Dean Edson and James McCrea, their heirs and assigns, to erect and maintain dams across the northerly half of the river Boquet, in the county of Essex, above the navigable waters or lower falls thereof, adjacent to the patent of land originally granted to James Ross: *Provided always*, and upon this express condition, that there shall be left a slope in such dams not exceeding forty-five degrees, or by removing the obstructions of such dams in any other manner so that salmon may freely pass into the waters above such dams, under the penalty of two hundred dollars, to be recovered with costs of suit, by action of debt, the one half of which forfeiture, when

recovered, shall be paid to the prosecutor, and the other half to the overseers of highways of the town where such recovery shall be had, to be applied to the repairing of roads in such town: *And provided also*, That the said dams shall not extend farther south than to the middle of the said creek: *And provided also*, That nothing in this act contained shall be deemed to impair any right heretofore vested in any person or persons whatsoever: *And provided further*, That nothing in this act contained shall be construed to authorise the said Dean Edson and James McCrea, their heirs or assigns, to erect or maintain any dam or dams on the said river, at the place or places aforesaid, to extend farther than to the centre of the said stream, commencing on the north bank of the said river Boquet, above or below the said navigable waters or lower falls thereof, or either of them: *And provided further*, That nothing in this act contained shall prevent any person or persons claiming and owning the lands on the south side of the said river, at the place aforesaid, from erecting and maintaining a dam or dams across the one half of the said river, or the navigable waters or lower falls thereof, commencing such dam or dams on the south bank of the said stream, and extending the same from the said bank to the middle of the said river, and no farther, without the consent or approbation of the said Dean Edson and James McCrea, their heirs or assigns: *And further*, That if either of the said parties shall extend their dam or dams, so by them erected and maintained, or hereafter to be erected and maintained, farther than as aforesaid, it shall and may be lawful for the party offended against to remove such part of such dam or dams as shall be so erected or extended farther than to the centre of the said stream, unless the parties aforesaid, their heirs or assigns, shall agree to the same, any thing herein to the contrary hereof in any wise notwithstanding: *And provided further*, That it is the true intent and meaning of this act, and of the provisions therein contained, that as well the owners and occupants of the lands on the southerly side of the said river Boquet, as the said Dean Edson and James McCrea, their heirs or assigns, the owners of the land on

the northerly side of the said river, shall be entitled to and enjoy an equal moiety or half part of the waters of the said river.

CHAP. CLIII.

An ACT to amend an Act, entitled "*An Act to establish a Turnpike Corporation for opening and improving a certain Road therein designated, within the Counties of Oneida and Chenango.*"

Passed June 15, 1812.

Proposible.

WHEREAS the president, directors and company, of the Oneida turnpike road have, by their petition, represented to the Legislature that the road laid out in pursuance of the act hereby amended, has been found by experience not to have been laid, as to a part thereof, over the most eligible ground, and that there is too great a number of directors required by the said act; that said corporation are allowed too many toll-gates, and that the toll is too high; and that they have not sufficient funds to complete said road, and have prayed for relief in the premises; Therefore,

It is directed to be elected.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be lawful for the stockholders of the said corporation, at their annual meetings, forever hereafter, to elect five directors, and no more, to manage the concerns of the said corporation, any three of whom shall form a quorum for business.

They may alter the route of the road.

II. *And be it further enacted,* That the said directors may make such alterations in the route of said road, between the school-house, in Peterboro, and the house of Cornelius Dockstader, in Vernon, as they shall judge most for the benefit of the stockholders and the public good, the damages occasioned by such alterations to be ascertained and paid according to the provisions of the act hereby amended.

Chord of the arch may be reduced to 22 feet.

III. *And be it further enacted,* That the chord of the arch of said road may be reduced to twenty-two feet, any thing in the act hereby amended to the contrary notwithstanding.

IV. *And be it further enacted*, That the said directors be and they are hereby authorised to add to the original stock of said company so many shares, of twenty dollars each, as they shall think necessary, not exceeding three hundred, and to dispose of the same for the benefit of the said corporation.

300 shares may be added to the stock.

V. *And be it further enacted*, That after the completion and inspection of the said road, agreeably to the act hereby amended, it shall be lawful for the said president, directors and company, to erect two full toll-gates, and one half toll-gate, and no more, which full toll-gates shall be at least ten miles distant from each other, and the half toll-gate at least six miles from either full toll-gate; and the rate of toll shall be reduced so that said corporation shall not hereafter be allowed to demand or receive any more toll at a full toll-gate than by law is allowed to be received at a full toll-gate upon the third great western turnpike road, and shall not demand or receive any more than half the said toll at the half toll-gate.

Two full toll-gates and one half toll-gate may be erected.

VI. *And be it further enacted*, That the time for completing the said road is hereby extended to three years from and after the passing of this act, any thing in the act hereby amended to the contrary notwithstanding; and the said directors are hereby allowed six months from the end of said three years to lodge an account, shewing the whole expense of said road, with the comptroller.

Time extended to complete the road.

CHAP. CLIV.

An ACT to amend the Act, entitled "*An Act to amend the Act, entitled 'An Act to regulate the Ferry and rates of Ferriage between the City of New-York and the Island Nassau,' passed the 2d April, 1810, and for other purposes.*"

Passed June 15, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act it shall and may be lawful to use and employ, in the ferries between the

Boats not to be less than 5 1-2 feet wide.

city of New-York and the island of Nassau, any barge or row-boat of any breadth, whether more or less than seven feet, any thing in the act hereby amended to the contrary notwithstanding: *Provided*, That no such barge or row-boat shall be less than five feet and an half in breadth.

Inhabitants
of Brooklyn
may choose
6 men fire-
men.

Also 2 engi-
neers.

II. *And be it further enacted*, That it shall and may be lawful for the freeholders and inhabitants of the fire-district, in the town of Brooklyn, in Kings county, at every election of firemen in the said district hereafter to be held, to elect six able-bodied and discreet men, for firemen, in addition to the number heretofore allowed by law; and also to elect two discreet and proper persons, to be denominated engineers, whose duty it shall be and they are hereby authorised and required to superintend and direct the firemen of the said district in the care and management of the fire-engines and other tools and instruments for extinguishing fires within the said district, and who shall hold themselves in readiness at all times, as well by night as by day, to superintend, direct and assist, in managing, working and exercising, the said fire-engines, tools and instruments, within the said district, as occasion shall require, and generally to exercise and perform all the powers and duties, over and appertaining to the fire-department within the said district, which have heretofore been exercised and performed by the magistrates of the said town of Brooklyn.

When and
how firemen
shall be
chosen.

III. *And be it further enacted*, That it shall and may be lawful for the firemen, heretofore elected, of the said town of Brooklyn, at any of their monthly or other regular meetings, to nominate and appoint the said two engineers, and the said six firemen hereby authorised and provided for, who shall severally act in the said respective capacities until others shall be elected in their stead, at the next stated election to be held in the said fire-district as by law provided.

If the super-
visors of
Richmond be
equally di-
vided the
first judge to
give the cast-
ing vote.

IV. *And be it further enacted*, That if the supervisors of the county of Richmond shall at any time be equally divided in opinion in the execution of any of the powers vested in them by law, then they shall call

to their assistance the first judge of the said county, whose decision in the premises shall be final and conclusive.

CHAP. CLV.

An ACT to enable the Agent of the State-Prison more advantageously to conduct the Manufactories of the said Institution, and for other purposes.

Passed June 15, 1812.

WHEREAS the inspectors and agent of the state-prison have set forth, in their report to the Legislature, that they have on hand raw materials and provisions, the payments for which will become due before funds can be collected from the sales of their manufactured goods: Therefore,

Preamble

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the sum of fifteen thousand dollars be appropriated for the purpose of discharging debts incurred by the inspectors and agents of the said prison, and that the sum be paid by the treasurer, on the warrant of the comptroller, out of any monies unappropriated in the treasury, to the said agent, in such sum or sums, and at such time or times, as he may require.

15,000 dollars
allowed to
discharge
debts.

II. *And be it further enacted,* That the agent of the state-prison be authorised to pay to R. Chalk, the clerk of said prison, the sum of two hundred dollars, for extra services during the year one thousand eight hundred and nine and one thousand eight hundred and ten, and that the same be duly audited by the comptroller.

Allowance
to R. Chalk
for extra
services.

III. *And be it further enacted,* That the accounts of sheriffs for transporting prisoners to the state-prison, who were convicted and sentenced before the passing of the act, entitled "an act concerning the state-prison," passed May 21st, 1812, shall be audited and paid in the same manner as the same were audited and paid previously to the passing of that act.

Accounts of
sheriffs for
transporting
certain pri-
soners.

CHAP. CLVI.

An ACT to incorporate the Cairo and Eastkill Turnpike Company.

Passed June 15, 1812.

J. Gale and
others, incor-
porated.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That James Gale, Ashbel Stanley and all such other persons as shall associate for the purpose of making good and sufficient road from or near the eighth mile stone, on the Susquehannah turnpike road, on the most eligible route to or near the forge, in Cairo; and from thence to and up the mountain, and across the same on the most eligible route, through the Eastkill hollow, in such direction as shall be thought the most expedient, either through the Goshen settlement, so called, or down the Eastkill, until it shall intersect the road from Batavia to the Schoharie-kill, to intersect said road near the meeting-house on the south mountain in Windham, or not far from the mouth of the Eastkill, as shall be thought best for the interest of the public and that of the corporation, be and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Cairo and Eastkill turnpike company," and by that name shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying, any estates, real and personal, for the use of the said corporation and their successors: *Provided however,* That the said real estate which the said corporation are hereby authorised to purchase and hold, shall not exceed two thousand dollars: *And provided further,* That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and interest of the corporation hereby created and made, and to no other use, interest or purpose whatsoever.

Their style,
&c.

II. *And be it further enacted*, That James Gale, Ashbel Stanley, Munson Buel and William Beach, Subscriptions how received. are hereby appointed commissioners, who shall, on or before the first day of October next, receive subscriptions for the stock of the said corporation, which stock shall consist of eight hundred shares, at twenty dollars a share, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed 13th day of March, 1807.

III. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive at each of the gates to be erected on the said road, from all persons using the same, the following rates of toll, to wit: For every waggon, with two horses or oxen, twelve and a half cents, and four cents for every additional horse or ox; for every one horse cart, six cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; for every sulkey, chair, chaise or other one horse carriage, twelve and a half cents; for every cart, drawn by two oxen, ten cents, and for every additional yoke, six cents; for every horse and rider, or led horse, four cents; for every sleigh or sled, drawn by two horses or oxen, six cents, and for every additional horse or ox, two cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents; for every stage-waggon, drawn by two horses, twelve and a half cents, and three cents for every additional horse. Rates of toll.

IV. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, Privileges. privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act.

CHAP. CLVII.

An ACT for the further improvement of the Navigation of the Hudson River, between the Village of Troy and Coeymans Overslaugh.

Passed June 15, 1812.

10,000 dolls.
to be paid to
J. Bogert, H.
Boyd and G.
Stewart.

Proviso.

Rebate of interest to be paid.

Commissioners to receive voluntary subscriptions &c.

I. BE it enacted by the people of the state of New York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay to John Bogert, Hugh Boyd and Gilbert Stewart, commissioners for improving the navigation of the Hudson river from the city of Albany to the Overslaugh at Coeymans, the sum of ten thousand dollars out of any unappropriated money in the treasury, to be expended by them in such manner as they may deem proper: *Provided*, That the said John Bogert, Hugh Boyd and Gilbert Stewart, shall, previous to the receipt of any part of the said sum of money, execute their bond to the comptroller, for the use of the people of the state, conditioned for the faithful performance of their duty, the application of the money to the purpose aforesaid, and to render, on the first Monday of January, in each and every year, a just and true account of all money received and expended in pursuance of this act.

II. And be it further enacted, That it shall and may be lawful for the comptroller to credit to the commissioners appointed by the act, entitled "an act making provision for improving Hudson's river, below the city of Albany, and for other purposes," passed the sixth day of April, one thousand eight hundred and four, the sum of one thousand eight hundred and fifty-two dollars and sixty six cents, for a rebate of interest paid by them on money raised by virtue of the act aforesaid.

III. And be it further enacted, That it shall be lawful for the said commissioners to receive all sums of money which may be granted by the corporation of the city of Albany, or be raised by voluntary subscription, and to expend the same for the purpose contemplated by this act, for the faithful expenditure of

which sums of money the said commissioners shall be responsible, and shall account with the comptroller in manner aforesaid

IV. *And be it further enacted*, That it shall be lawful for the dock-masters in the city of Albany to ask, demand, sue for and recover, in any court of competent jurisdiction, of and from the owners or master of every vessel navigating the Hudson river from the city of Albany, the Colonie, the villages of Bath and Greenbush, and being a regular trading or coasting vessel, of thirty tons burthen or upwards, from either of the said places to any port or place, within this state, to the southward of the said Coeymans Overslaugh, at and after the rate of twenty cents per ton for each and every year such vessel shall be so employed; which dock-master shall, before he enters on the duties imposed by this act, execute to the said commissioners a bond, with such surety as they may require, conditioned for the payment to them, or the survivor of them, of all monies to be received by him in virtue of this act, after deducting therefrom such rate per cent. on his receipts as the dock-owners in the city of Albany shall allow him for collecting the wharfage in the said city of Albany, and of and from the owners or master of every other vessel, of thirty tons burthen or upwards, owned by any citizen of this state to the southward of the said Coeymans Overslaugh, and which shall touch or stop at the city of Albany, the Colonie, Bath or Greenbush, the sum of four cents per ton for each and every time such vessel shall enter, touch or stop, at the said city of Albany, or the villages of Bath or Greenbush, in the passage upwards: *Provided*, That no such vessel shall in any one year be subject to or pay more than twenty cents per ton.

Dock-masters
to demand
tonnage.

V *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the trustees of the village of Troy, the sum of eight thousand dollars, for the purpose of improving the navigation of the Hudson river between the said village of Troy and the city of Albany, in such manner as they, or their successors in office, may deem most beneficial: *Provided*, That the said trustees shall, previous to the

8000 dolls. to
be paid to
the trustees
of Troy.

receipt of any part of the said sum of money, execute their bond, with such sureties as the comptroller shall require, in double the sum above directed to be paid to them, to the said comptroller, for the use of the people of this state, conditioned for the faithful application of the said sum of money, and all other money to be received by them by virtue of this act, and to render, on or before the first Monday in January in each year, a just and true account of all money received and expended by them in pursuance of this act; and the clerk of said trustees shall cause to be entered a copy of the account so rendered to the comptroller, in a book kept for that purpose, for the inspection of the inhabitants of said village.

They may
also receive
voluntary
subscriptions

VI. *And be it further enacted*, That it shall be lawful for the said trustees and their successors to receive and expend all sums of money which may be raised by voluntary subscription, for the improvement of the said river between the places last aforesaid.

They may
appoint an
agent to de-
mand ton-
nage.

VII. *And be it further enacted*, That it shall be lawful for the trustees aforesaid to appoint an agent, when- ever and as often as they may think proper, to ask, demand, sue for and recover, in any court of competent jurisdiction, of and from the owners or master of every regular trading or coasting vessel, owned at the said village, and navigating the said river from the said village of Troy, at and after the rate of twenty cents per ton for each and every year such vessel shall navigate the said river, and of and from the owners or master of each and every other vessel of thirty tons burthen or upwards, and which shall be owned by a citizen or citizens of this state, residing below the said village of Troy, and which shall touch or stop thereat, at and after the rate of four cents for each and every ton burthen for each and every time such vessel shall navigate that part of the said river between Albany and Troy: *Provided*, That no such vessel shall be subject to the payment, in any one year, of more than twenty cents per ton.

Tonnage du-
ty when pay-
able.

VIII. *And be it further enacted*, That the tonnage duty imposed by this act on regular trading or coasting vessels, owned at or sailing from either of the places

aforesaid, shall be considered to be due and payable on the first Monday of April in each year: and in the event of their non-payment on demand, the dock-master or agent may maintain an action of debt, in his name, for the recovery thereof.

IX. *And be it further enacted,* That if at any time hereafter the commissioners or trustees aforesaid shall have any money beyond what may be necessary for keeping in repair their dams or other improvements, they may loan the same on such security as they may deem proper, and in the event of such loan, shall account annually for all the interest to be received by them on any such loan.

Surplus money may be loaned.

X. *And be it further enacted,* That the commissioners appointed by an act, entitled "an act for making further provision for improving the navigation of the Hudson's river between the city of Albany and the village of Waterford," passed the fourteenth day of March, one thousand eight hundred, shall, within three months after the passing of this act, settle their accounts with the comptroller of this state, and immediately thereafter pay over to the trustees aforesaid the balance of any money which may remain in their hands unexpended, and which they may have at any time heretofore received for the purpose of improving the said navigation, and shall deliver to them all tools, implements and machinery, used or employed in or about the said improvements.

Certain accounts how to be settled.

XI. *And be it further enacted,* That the agent so to be appointed shall, before he enters on the duty of such appointment, execute to the trustees aforesaid a bond, with such surety as they may require, for the payment to them, on demand, of all money he may have received, after deducting such compensation for the collection as they may deem proper to allow.

Agent of the trustees of Troy to give bond.

CHAP. CLVIII.

An ACT to amend an act, entitled "*an act to incorporate the Saint Lawrence Turnpike Road Company.*"

Passed June 15, 1812.

Preamble.

WHEREAS the president and directors of the Saint Lawrence turnpike road company have, by their petition, represented that they have expended very large sums of money in making the road authorised by their act of incorporation, and in building bridges thereon, and that the stock for the whole distance between the Oswegatchie state road and the west line of township number five in great tract number one of Macomb's purchase, has, in pursuance of their articles of association, been apportioned among the proprietors of the lands through which the road passes, and that the turnpike has been contracted for and is expected to be finished during the present year; that the proprietors of the land on the west side of the Black River through which the said road is laid out, are also willing and desirous to become associates in the said undertaking, and to represent that part of the said road: *Provided*, The intervening distance between the east side of the Black River and the place where the said turnpike intersects the Oswegatchie state road, shall also be made and completed: And whereas the said company, by their said petition, have also represented that the lands along the last mentioned portion of the said turnpike, comprehending a distance of about five miles, belong to foreigners not residing in this country, and that unless the said turnpike shall be continued through the said lands the great object of their association will be defeated, and the improvement of that part of the state greatly retarded, wherefore the said petitioners have prayed for legislative relief and aid in the premises: And whereas the public interest is concerned in the completion of the said road, and the private interests of the owners of the said lands will also thereby be promoted: Therefore,

Directors to apportion the shares.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors

of the Saint Lawrence turnpike road company to contract for and complete the said turnpike road, from the Black River to the place where the same intersects the Oswegatchie state road, and to apportion the shares in the stock of the said company for such part of the said road in the same manner and upon the same principles as the said stock has been apportioned in respect to the other parts thereof.

II. *And be it further enacted*, That unless the proprietors of the land, through which the said turnpike road shall pass, between the Black River and the said point of intersection, shall within one year after that part of the said road shall have been completed, take up the shares of stock so to be apportioned thereon as aforesaid, and pay for the same; that the said stock, as to such of the said proprietors as shall neglect so to take up and pay for the same, shall be issued to and in the name of the commissioners named in the act incorporating the said company, in trust for the benefit of the said proprietors respectively, and that in such case it shall moreover be lawful for the said commissioners, or any two of them, to sell at public auction, giving at least six weeks previous notice of the time and place of such sale by advertisement, to be published in the paper printed by the printer to this state, and in one newspaper printed in the county wherein the lands to be sold may be situated, or in the county nearest thereto, if no newspaper shall be printed therein, and therefore to grant and convey to the purchaser or purchasers thereof, in fee simple, so much of the land lying contiguous to and adjoining the south east side of that portion of the said road (the said land to be laid off as near as may be in tracts of a square form) as shall be sufficient to pay the amount of the said shares, together with the expenses of sale, which amount shall be thereupon paid to the said company: *Provided*, That the number of shares, so to be apportioned on the said lands, shall not exceed the average rate of apportionment in respect to the residue of the said turnpike: *And Provided also*, That no part of the said lands shall be sold at a price less than two dollars per acre.

Lands of persons refusing to take shares may be sold.

Provided.

III. *And be it further enacted*, That when and so

soon as that part of the said turnpike which lies between the Black River and the point of intersection above referred to shall be completed, it shall be lawful for the said company to receive the like rates of toll for passing the same, and to have, use, exercise and enjoy the like rights, powers and privileges in respect thereto as they are now authorised to receive, or have, or are entitled unto, in respect to any other part or portion of the said turnpike.

CHAP. CLIX.

An ACT to Incorporate the Eagle Village Turnpike Company.

Passed June 15, 1812.

P. G. Childs
and others
incorporated

Their style,
&c.

Exting.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That Perry G. Childs, Jeremiah Whipple, William Whipple, Jabiah N. M. Hurd, Eliphalet S. Jackson, James Moare, Charles B. Bristol, Smith Weed, Jacob Bradbury, Nicholas Dyer, Sylvester Gardner, and such others as shall associate for the purpose of making a good and sufficient turnpike road from Cazinovia, in the county of Madison; thence to Eagle Village, in Manlius, near the house of Nicholas Dyer, and thence to or near the house of Jacob Bradbury, on the north Seneca turnpike road, shall be and hereby are created a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the Eagle Village Turnpike," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the intent of the said corporation,

and to no other purpose whatever, and that the annual value, rents and income of the real estates of the said corporation, shall at no time exceed the sum of one thousand dollars, and that Jacob R. De Witt, John Young and John Adams be and they are hereby appointed commissioners to lay out said road.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of four hundred shares, of twenty-five dollars each, and that Jeremiah Whipple, Charles Bristol and Perry G. Childs shall be and hereby are appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed 13th March, 1807. Amount of stock.

III. *And be it further enacted*, That the said corporation hereby incorporated, shall be entitled to erect one or more gates or turnpikes, and to exact and receive at the gate or gates to be erected in said road the following sums of money from all persons traveling or using the same, viz : for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon ; for every cart or other carriage drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox attached to such cart or other carriage, three cents ; for every horse and rider four cents ; for every horse led or driven three cents ; for every cart drawn by one horse, mule or ox, six cents ; for every chair, sulkey, chaise, or other pleasure carriage, with one horse, twelve and an half cents ; for every chariot, coach, or coachee or phaeton, or other four wheel pleasure carriage, twenty-five cents ; for every sled or sleigh drawn by two horses, mules or oxen, six cents, and so in proportion if drawn by a greater or less number of horses or cattle ; for every score of horses or cattle twenty cents, and so in proportion for a greater or less number ; for every score of sheep or hogs, eight cents ; for every stage-waggon drawn by two horses, twelve and an half cents, and three cents for every additional Rates of toll.

horse attached to such wagon, for every ten miles of said road, and so in proportion for any less distance.

Road to be
20 feet wide.

IV. *And be it further enacted*, That it shall and may be lawful for the said corporation to break the ground and work the said road twenty feet wide but no less, any former act to the contrary notwithstanding.

Inc. corp.
inc.

V. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, and that there shall be but five directors to manage the business of said company, three of whom shall be a quorum, any thing in the general law notwithstanding.

CHAP. CLX.

An ACT to incorporate the Sacondago Turnpike and Bridge Company.

Passed June 15, 1812.

L. Gear
and others,
incorporated

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Isaac Gear, Earl Stimpson, Avery Starkweather, Alexander St. John, Ely Beecher, and all such other persons as shall associate with them by becoming subscribers to make a good and substantial bridge over the Sacondago river, at or near a place called the Fish house, and a turnpike road to begin at or near the village of Scotia, in the fourth ward of the city of Schenectady, and running from thence northerly the most convenient route, as near the old road as the ground will admit, to the house of David Pruyme; from thence to the house of Nicholas Van Patten; from thence to the house of Charles Taylor; from thence to the house of John Earkson; from thence to the meeting-house in Charlton, wherein the Reverend James Mairs preaches; and from thence to the house of John Fay, in the town of Northampton, in the county of Montgomery; from thence across the Sacondago river to or near the house of Jeremiah Scribner, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of "the president, directors

Their style,
&c.

and company of the Sacondago turnpike and bridge company," and by that name they and their successors shall be capable in law to hold, enjoy and retain to them and their successors, lands, tenements and hereditaments, goods, chattles and effects, of every kind whatsoever, for the use of the said corporation: *Provided*, That such estate, as well real as personal, shall be necessary to fulfil the end and intent of this corporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That Duncan M^cMartin, junior, Calvin Wheeler and Isaiah Fuller shall be commissioners to lay out the said road not herein particularly designated, and shall have the like power and authority, and be subject to the same regulations, as are given and directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807, any thing in the said act to the contrary notwithstanding.

III. *And be it further enacted*, That the stock of the said company shall consist of fifteen hundred shares, of twenty dollars each share, and Abraham Oothout, James Baily, Charles Taylor, Alexander St. John, Earl Stimpson, John M^cClallen, Ely Beecher and Isaac Gear, shall be and hereby are appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act, entitled "an act relative to turnpike companies."

IV. *And be it further enacted*, That it shall and may be lawful for the president and directors to demand, receive and recover from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as the said president and directors shall see fit, and that the shares of such stockholders as shall refuse payment, and all the previous payments thereon, shall, by such refusal, be forfeited to the said president and directors.

V. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company to erect gates or turnpikes on and across the said road, one whereof shall be erected within one mile of the place called the Fish-house, and the others

at such other places as the said president and directors shall deem proper : *Provided*, The said gates shall not be nearer to each other than eight miles, except the toll-gate to be erected on the bridge over the Sacandago river; and whenever the bridge over the said river shall be completed, they shall have a right to erect a toll-gate on the said bridge.

Rates of toll.

VI. *And be it further enacted*, That whenever the said president, directors and company shall have completed the bridge over the said river, they shall have a right to erect a toll-gate thereon, and whenever they shall have completed eight miles of the said road, and the same shall have been inspected and approved of according to law, they shall have a right to erect a toll-gate thereon, and when twenty miles of the said road shall be completed and approved to erect two toll-gates thereon, and when the whole road is completed and approved of as aforesaid to erect the whole number of toll-gates allowed by this act, and to appoint toll-gatherers to collect and receive of and from every person and persons using the said road, at such gates respectively, the following rates of toll, to wit : for every score of hogs or sheep, eight cents; for every score of neat cattle, twenty cents; for every horse and rider, five cents; for every led or driven horse, four cents; for every sulkey, chair or chaise, with one horse, twelve and a half cents; for every cart or waggon, drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage-waggon or other four wheeled carriage, drawn by two horses, mules or oxen, ten cents; for every additional horse, mule or ox, three cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and in like proportion for a greater or less number of horses, mules or oxen, and that the toll crossing the bridge shall be the same as for one of the gates above mentioned.

Number of directors.

VII. *And be it further enacted*, That the concerns of the said company shall be managed by five directors, and that the said directors shall choose a president, and any three of such directors, when met, shall form a quorum, and exercise all the powers, and be subject

to all the duties directed, given or enjoyed by the act aforesaid: *Provided*, That nothing in this act contained shall be so construed as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from mills, or going for or returning with wood or hay, or of or from any person or persons exempted or intended to be exempted therefrom by the aforesaid act, entitled "an act relative to turnpike companies."

Proviso.

VIII. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, other than as above excepted and provided for.

Privileges.

CHAP. CLXI.

An ACT to incorporate the Nelson and Deruyter Turnpike Company.

Passed June 15, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That Jonathan Shed, Eri Richardson, David Smith, Lyman Bennet, Marcus Andrews, John Holmes, Erastus Cleveland, Amos Maynard, and all such other persons as with them shall associate to make a good and sufficient road to begin on the Hamilton and Skaneateles turnpike, about one and a quarter of a mile west of Eri Richardson's tavern, in the town of Nelson, in the county of Madison; thence running south-westwardly to the house of Jonathan Shed; thence on the most eligible route to the house of Eli Spear, in Deruyter, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the Nelson and Deruyter turnpike road," and by that name their successors shall and may have continual succession, and shall

E. Richardson and others incorporated.

Their style, &c.

be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, and by that name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal for the use of said corporation, to the amount of one thousand dollars.

Amount of
stock.

II. *And be it further enacted*, That the stock of said company hereby incorporated shall consist of four hundred shares of twenty dollars each, and that Eri Richardson, Jonathan Shed and Eli Gage be and they hereby are appointed commissioners to receive subscriptions for said stock in the manner directed by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

Rates of toll
how regulated.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to receive at each of the gates to be erected on said road, for any number of miles not less than ten in length of said road, and at the same rate in proportion for a less or greater distance, from all persons travelling and using the same, the same rates of toll as are allowed by the act, entitled "an act to incorporate the Hamilton and Skaneateles turnpike company," passed the 2d of April, 1806.

Chord of the
arch 24 feet.

IV. *And be it further enacted*, That the chord of the arch of the road, by this act authorised to be made, shall not be less than twenty-four feet.

Commission-
ers to lay out
the road.

V. *And be it further enacted*, That Marcus Andrews, David Smith and Jonathan Smith be and they are hereby appointed commissioners to lay out the said road, according to the best of their judgment and understanding without favor or partiality, in such manner that the object of the corporation, and the general interest of the public shall be in the best manner effected; and it shall be the duty of the said commissioners, or a majority of them, to deposit and cause to be filed in the offices of the clerks of the several towns through which the said road shall pass, an accurate map of the same; and each of the said commissioners, for their

services aforesaid, shall be allowed at the rate of two dollars and fifty cents per day for every day they shall be necessarily employed in the service aforesaid, to be paid, together with the expenses of surveying and filing said maps by the said incorporation.

VI. *And be it further enacted;* That the number of directors for managing the concerns of the company hereby incorporated, shall be five, three of whom shall form a quorum, and be capable of transacting the business of the company; and that the said company shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the said act, entitled "an act relative to turnpike companies," and be subject and be liable to all the conditions, provisions, restrictions, and regulations contained in the said act, saving and excepting wherever the same are contrary to the provisions of this act.

Number of
directors.

CHAP. CLXII.

An ACT to incorporate the Chenango Turnpike Road Company.

Passed June 15, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Horace Williston, Daniel Leroy, William Woodruff, William Stewart, Oliver Ely, Tracy Robinson, Daniel Rogers and all such others as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the twenty-eighth mile-stone, in the line between the states of Pennsylvania and New-York, and running from thence on the most direct and practicable route to or near the house of John G. Christopher, on the bank of the Susquehannah river, opposite the village of Chenango Point, in the town of Chenango, and county of Broome, and their successors and assigns, be and they are hereby created, ordained, constituted and appointed, a body corporate and politic, in fact and in name, by the name of "the President, Directors and Company of the Chenango Turnpike Road Company," and by that name they

H. Williston
and others
incorporated

Their style,
&c.

and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes whatsoever; and by the same name and style shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.

Proviso.

Amount of stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of two hundred and eighty shares, of twenty-five dollars each, and that Horace Williston, Tracy Robinson and William Woodruff, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, 1807.

Rates of toll.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to erect and maintain one gate and turnpike upon and across said road, and to exact and receive thereat the following sums of money from all persons travelling or using the same, to wit: For every waggon, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox, attached to such waggon; for every cart or other carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, attached to such cart or other carriage, three cents; for every horse and rider, four cents; for every horse led, two cents; for every cart drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage, with one horse, twelve and an half cents; for every chariot, coach, coachee or phaeton, or other four wheel pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion if

wn by a greater number of horses, mules or oxen ; every score of horses or cattle, twenty cents, and in proportion for a greater or less number ; for every score of sheep or hogs, eight cents ; for every stage-waggon, drawn by two horses, twelve and a half cents, and three cents for every additional horse added to such stage-waggon.

V. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are now and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said recited act : *Provided*, That the said company shall be allowed three years from the passing of this act for completing said road, any thing in the aforesaid general act to the contrary notwithstanding : *And provided further*, That the chord of the arch of the road hereby authorized to be made shall not be less than twenty-two feet.

And be it further enacted, That Mason Whiting, G. Christopher and Christopher Eldridge, or any two of them, be and they are hereby appointed commissioners to lay out and establish the said road.

CHAP. CLXIII.

An ACT to divide the Town of Dickenson, in the County of Franklin.

Passed June 15, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That on and after the first Monday of April next, all that part of the town of Dickenson, in the county of Franklin, comprising the townships of Moira, Annastown, Williamsville, Dayton, Johns Manor, Cheltenham, Hughneagh and Montmorris, be and hereby is erected into a separate town, by the name of Dickenson, and the first town-meeting shall be held at the dwelling-house of Samuel Silsbury.

Bangor
created.

II. *And be it further enacted*, That all the remaining part of the town of Dickenson shall be and remain a separate town, by the name of Bangor, and the town-meeting shall be held at the dwelling-house of Chester Tullar, in said town.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns shall after due notice being given for that purpose by the supervisors of said towns, meet together and apportion the money and poor belonging to the said town of Dickenson previous to the division thereof, agreeable to the last tax-list, and that forever thereafter each of the said towns shall support and maintain their poor.

CHAP. CLXIV.

An ACT relating to the Salt Springs in the county of Onondaga.

Passed June 15, 1810

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly,

Superintend-
ent how ap-
pointed.

That the superintendent of the salt springs in the county of Onondaga, shall be appointed by the legislature and shall hold his office during their pleasure. And in case of the death, resignation, or refusal to serve of the superintendent, during the recess of the legislature, it shall be the duty of the person administering the government for the time being, to appoint a successor, who shall continue in office until the legislature shall make a new appointment.

He shall give
bonds.

II. *And be it further enacted*, That every superintendent of the said salt springs shall, before he enters upon the duties of his office, and within thirty days after his appointment, execute a bond, with two substantial freeholders as sureties, to be approved of by the comptroller, to the people of this state, in the sum of twenty-five thousand dollars conditioned that he shall well and faithfully perform the duties of said office, and make a true report to the legislature.

the first Tuesday in February, in every year, or within twenty days thereafter, of all monies by him received for duties or otherwise, during the preceding year, and stating as near as practicable the quantity of salt made at said springs during said year, and shall pay into the treasury at the time of making his report, all monies by him received for rent, duties or otherwise, during said year, after deducting so much of his salary and the salaries of his deputies as may then be in arrear, and the expenses of his office.

Make an annual report.

III. *And be it further enacted,* That it shall be the duty of the superintendent to inspect all the salt manufactured at the said salt springs, and to pass no salt but such as is well made, free from dirt and filth, and fully drained from pickle with the bitters properly extracted. And that all salt so manufactured, which shall be put in casks, shall be packed in good casks, water tight, well hooped with twelve hoops, three on each head, and three on each bilge; which casks shall be thirty inches long, and the diameter of each head nineteen inches. And the superintendent, at the time of the inspection of said salt so put into casks, shall mark on each cask with a marking iron, or with durable paint, the quantity of salt contained in such casks respectively, with the initial letter of the christian name of the superintendent, and his surname at full length, in letters of at least an inch in length. And the superintendent shall not suffer any salt to pass inspection, if the duty is payable by the bushel, and not by the capacity of the kettles or pans, until the duty on the same is paid. And it shall be the duty of the superintendent, to have at all times one deputy at the village of Liverpool, and one at the village of Salina, and one at the village of Geddes, for the inspection of salt, each of which deputies shall, before he enters on the duties of his office, before some justice of the peace of the county of Onondaga, take and subscribe an oath, faithfully to discharge the trust reposed in him, as deputy to said superintendent, to the best of his knowledge and ability, according to the several laws relative to the salt springs; which oath the said justice shall certify and lodge, within ten days, in the office of

Salt, how inspected and packed.

Deputies appointed.

five dollars for every bushel of uninspected salt so conveyed from said reservation, or so bought or sold, or removed from the manufactory, with intention to convey the same from said reservation before inspection. And the superintendent and his deputies are each of them hereby empowered to enter any boat or vessel, cart, waggon, sled or sleigh, which he may suspect to contain uninspected salt, and examine the same, and to seize all such uninspected salt so attempted to be transported, and sell the same for the use of the people of the state.

For putting
uninspected
salt in mark-
ed casks.

IX. *And be it further enacted*, That if any manufacturer or other person shall pack or cause to be packed any uninspected salt in any barrel or cask marked as aforesaid, without first cutting out said marks, every person so offending shall forfeit and pay five dollars for every bushel of uninspected salt so packed in any such marked cask or barrel.

For counter-
feiting su-
perintend-
ent's mark.

X. *And be it further enacted*, That if any person or persons shall make and counterfeit, or shall aid or assist, command or advise the making and counterfeiting the superintendent's mark or marks on any barrel or cask, every person so offending shall forfeit and pay the sum of fifty dollars for each offence, and shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding fifty dollars, and imprisonment not exceeding six months, or either of them, at the discretion of the court before whom such conviction shall be had.

Leases how
forfeited.

XI. *And be it further enacted*, That if any lessee, or assignee of any lessee of a salt lot shall assign or dispose of his lease, or shall underlet the premises contained in his lease, or any part thereof, without the consent of the superintendent expressed in writing, the same lease shall be forfeited, and the premises so assigned or underlet shall revert to the state, and shall be liable to be entered upon by the said superintendent; and to prevent any further sub-division of the salt lots, the superintendent is hereby prohibited from giving his permission to sell or underlet a part of a salt lot which has not been already divided, or so as further to divide a salt lot already divided; nor shall he

give any permission to sell any lease, or underlet the premises in any lease contained, or any part thereof, until all arrears of rent upon any such lease shall have been paid.

XII. *And be it further enacted,* That if the spring or springs on any salt lot shall yield more water than is necessary for the manufactory established on said lot, it shall be lawful for the lessee or lessees of any adjoining lot or lots, to lead the surplus water to his or their manufactory; and if such surplus should exceed the quantity required on such adjoining lot or lots, the residue may be led to the next adjoining lots, and so successively from lot to lot until the whole surplus shall be exhausted; and if any controversy shall arise in the premises, the superintendent shall determine the same, and his decision shall be final and conclusive between the parties.

Surplus water conveyed to other lots.

XIII. *And be it further enacted,* That if any salt shall be fraudulently made or offered for inspection, containing dirt, filth, stones, or any other substance mixed therewith, and being of a very bad quality, it shall be the duty of the superintendent and his deputies to destroy such salt and the casks containing the same.

Bad salt may be destroyed

XIV. *And be it further enacted,* That each manufacturer shall keep one good pan or ladle for every two kettles he may employ, for the purpose of removing the feculent matter during the process of making salt; and that for every day's neglect in this respect, the manufacturer shall forfeit and pay the sum of twenty-five cents for every such deficiency.

Each manufacturer to keep a ladle.

XV. *And be it further enacted,* That it shall be lawful for the lessees and manufacturers on the salt lots laid out at the village of Geddes, to carry to such salt lots by an aqueduct or trench, any surplus salt water on any lot at the village of Salina, and not used at the manufactories in said village; and it shall be lawful further to lead, take and carry such aqueducts in, through and across any of the marsh land leased by the people of this state, paying to the lessees the damage which may be occasioned thereby, which damages shall be ascertained in the same manner as the dama-

Surplus water at Salina may be conducted to Geddes.

ges are by law assessed in the laying out of highways; and in case of any deficiency of water to supply all the manufactories, such aqueducts and manufactories shall have preference according to the seniority of their erection, whether erected before or after the passing of this act; and further that such aqueducts shall be considered real property, and the owner or owners thereof shall be entitled to recover treble damages in an action of trespass against any person or persons cutting, boring or otherwise injuring the same.

Sup. to direct respecting cutting of timber.

XVI. *And be it further enacted,* That it shall be the duty of the superintendent to give directions from time to time respecting the cutting of timber and wood on said reservation, and to determine the parts or places on said reservation where the timber and wood may be cut for the use of the salt manufacturers, and the size of the wood or timber so to be cut; and also to direct in what places the wood and timber shall be preserved for growth, and where it shall not be cut; and if any lessee, manufacturer or other person shall fell any timber or wood, or shall take and carry away any timber or wood, saplings or poles, from any place or places where the superintendent shall have directed the timber and wood to be preserved for growth, each and every person so offending shall forfeit and pay the sum of five dollars for each offence, and treble the value of such timber, wood, saplings and poles so cut and carried away.

Penalty for destroying timber.

XVII. *And be it further enacted,* That if any person or persons shall cut or destroy any timber or wood, saplings or poles, standing or growing on said reservation, or shall carry away any timber, wood, saplings or poles which may be lying on the lands in said reservation, each and every person so offending shall forfeit and pay the sum of ten dollars for each offence, and treble the value of the timber, wood, saplings and poles so cut, destroyed or carried away, and shall also be deemed guilty of a misdemeanor, and being thereof convicted by due course of law, shall be punished by imprisonment, not exceeding six months, at the discretion of the court before whom such conviction shall be had: *Provided always,* That nothing in this sec-

tion contained shall be construed to extend to any person cutting or carrying any timber, wood, saplings or poles for the erection or use of the manufactories, or for the use, on the reservation, of persons lawfully residing thereon.

XVIII. *And be it further enacted*, That the superintendent of the salt springs, for the time being, shall be considered as in possession of all the lands on said reservation belonging to the people of this state; and in case any person is or shall be in possession of any of said land, by intrusion or otherwise, without title, the said superintendent is hereby empowered to institute and maintain an action of trespass, or of trespass and ejectment, against such person, and also to institute and maintain such proceedings against him for the taking or detaining the possession of said land as is given to the owners of land in and by the act, entitled "An act to prevent forcible entries and detainers," and the superintendent is hereby also empowered, at his discretion, to issue his warrant to any constable of the town of Salina, him commanding to take and remove from the said reservation, any person or persons who shall be residing thereon by intrusion, without a permit or license, in writing, from the superintendent, which warrant such constable is required to execute.

Sup. considered as in possession of the lands on the reservation.

XIX. *And be it further enacted*, That the superintendent and his deputies, and any other person by the superintendent appointed in writing, is hereby empowered to enter upon any land belonging to the people of this state on said reservation, which shall have been intruded upon by any person, and who shall have quitted his possession and left the same vacant, and having so entered, to tear down and destroy the buildings and fences on said land so intruded upon and left vacant.

He may enter on lands occupied by intruders.

XX. And whereas the village of Geddes as heretofore laid out by the superintendent, is found by experience to be improperly and inconveniently situated; to remedy which,

Be it further enacted, That the superintendent is hereby authorised and empowered, by and with the consent of the purchasers of the village lots in the vil-

Geddes, site may be altered.

Lots may be
exchanged.

Provide.

Time extended
for making
payments on
certain lots.

lage of Geddes, to lay out on the turnpike road, a lot the westerly of the present village lots, near the dwelling-house now or lately occupied by Jacob J. Vander Werden, the same number of village lots as are now laid out in said village of Geddes, each of which to contain the same quantity of land as the present village lots, and to exchange one of the village lots so to be laid out for each of the village lots heretofore laid out and sold; and in cases where the purchaser or purchasers of any such village lot have already received a deed of the village lot by him or them purchased, the superintendent shall take a deed or conveyance to the people of this state from such purchaser or purchasers of such village lot, and shall, in behalf of the people of this state, execute and deliver in exchange, a deed to said purchaser or purchasers of one of the village lots so to be laid out, and which he or they shall have agreed to receive in exchange; and in cases where no deed has yet been given to the purchaser of any of said village lots by him purchased, the superintendent is hereby authorised and empowered to receive back and cancel the contract made with such purchaser for such lot, and to execute and deliver to him a new contract of the same date, tenor and import, and with the same conditions and provisions with the contract so received back and cancelled, for one of the village lots, so to be laid out, and for which said village lot mentioned in the present existing contract shall be exchanged: *Provided always*, That the superintendent shall not execute and deliver to any purchaser or purchasers of a village lot, a deed of any of the village lots to be laid out by virtue of this act, until the said purchaser or purchasers shall produce to him full proof that the title of the lot, for which the village lot to be laid out shall be exchanged, is in the said purchaser or purchasers, free and clear from all mortgages, judgments, liens and incumbrances whatever.

XXI. *And be it further enacted*, That the time for the payment of the purchase money of the village lots in the villages of Liverpool and Geddes, as to one half the balance now due thereon, is hereby extended to

the first day of January, in the year one thousand eight hundred and thirteen, and as to the residue, to the first day of January, in the year one thousand eight hundred and fourteen, any thing in any former law to the contrary notwithstanding; and the superintendent is hereby empowered, on the receipt of the purchase money and interest due on any of said lots, to give deeds of such lots so paid for, in behalf of the people of this state, to the respective purchasers, at any time on or before the said first day of January, in the year last aforesaid.

XXII. *And be it further enacted*, That the leases of the five acre or small pasture lots, heretofore leased by the superintendent of said salt springs, to such lessees of salt lots, whose leases of such salt lots have been adjudged to be valid by the commissioners appointed by and by virtue of the act of the legislature respecting said salt springs, passed April 5th, 1810, are hereby confirmed and declared to be good and valid, until the twentieth day of June, in the year one thousand eight hundred and twenty-eight; and it is hereby made the duty of the superintendent, so soon as may be after the passing of this act, to lease, to the twentieth of June, one thousand seven hundred and twenty-eight, the residue of the five acre lots laid out by James Geddes before the first day of March, one thousand eight hundred and eight, to the occupiers and claimants of said lots respectively; and to cause to be laid out on the feasible or upland, in places the most convenient to the villages of Liverpool, Salina and Geddes, so many seven acre lots as shall be sufficient, and to let one of said seven acre lots to the lessee or lessees of each of the salt lots of which a lease was awarded by the aforesaid commissioners, excepting such persons as are entitled to a five acre lot by virtue of this act, and also to give a lease to Freeman Hughes of the salt lot at Geddes village, on which he hath erected a salt house, and also a seven acre lot, on the same terms and conditions on which leases have been given to other lessees; all which leases to be given by virtue hereof, shall expire on the twentieth day of June, in the year one thousand eight hundred and twenty-eight.

Leases of certain 5 acre lots confirmed or a term of years

Residue how to be leased.

F. Hughes may get a lease of a lot in Geddes,

A lot may be laid out for a burying ground.

XXIII. *And be it further enacted,* That the superintendent shall lay out on Leek-hill, near the village of Liverpool, and adjoining a road running northerly, a lot of land, not exceeding one acre, for a burying ground.

Certain lots may be divided into sections and sold.

XXIV. *And be it further enacted,* That it shall be the duty of the superintendent to divide so many of the village lots, in the villages of Salina, Liverpool and Geddes, as he shall think proper, into sections, of not less than quarter lots at the village of Salina, and half lots at the villages of Liverpool and Geddes, and to sell the same at vendue, giving three weeks notice, by an advertisement put up at the most public place in each village, of the time and place of such sale; and the purchaser shall pay one-eighth of the purchase money on the day of sale, and within six days thereafter shall execute and deliver to the superintendent, his covenant to the people of this state, for the payment of the residue of the purchase money and interest, in six equal annual instalments, and in default of paying said one-eighth, or delivering said covenant as aforesaid, said purchase shall be void; and the superintendent, before he shall proceed to make such division of said village lots, shall select and set apart two village lots in each of said villages, for the support of the gospel and of schools; and the superintendent is hereby empowered to give the purchaser of any of said sections, deeds of the same, when such purchaser shall have paid the purchase money and interest thereof; and it shall be the duty of the superintendent to cause surveys, descriptions and maps, to be made of all lots and sections of lots by him leased or sold in pursuance of this act, and also of the lots he shall lay out in the village of Geddes, and of the lots now in the village of Geddes, which he shall exchange for lots to be laid out in said village, and shall cause one copy of such surveys, descriptions and maps, to be filed in the office of the surveyor-general, and another like copy in the office of the clerk of the county of Onondaga: *Provided,* Said superintendent shall not divide, as aforesaid, more than six lots in the village of Salina, eight in the village of Liverpool, and four in the village of Geddes:

Two lots may be set apart for gospel schools.

Provide.

And provided further, That no purchaser of any section of a village lot, on which section there shall be erected any building or buildings of a greater value than twenty-five dollars, which shall be estimated by the superintendent, shall be allowed to take possession of such section until he shall pay to the owner or owners of such building or buildings two-thirds of the value of such building or buildings, to be valued by the superintendent: *And provided further,* That no section of a lot in the village of Salina shall be sold at a rate less than one hundred dollars a lot, nor in the village of Liverpool at a rate less than fifty dollars a lot, nor in the village of Geddes at a rate less than thirty dollars a lot.

Further proviso.

XXV. *And be it further enacted,* That it shall not be lawful for any lessee or other person to erect any building for the manufacturing of salt, or to set or use any kettles or pans in the manufacturing of salt, on any of the lots leased by virtue of the second section of the act relating to the said salt springs, passed April 3d, 1807; and if any buildings should be erected, or any kettles or pans set or used for the manufacturing of salt on any of said lots, it shall be the duty of the superintendent and his deputies to enter upon such lot and cause such buildings to be pulled down, and such kettles and pans to be removed: *Provided,* That nothing in this section contained shall be construed to extend to the salt works now occupied by Ichabod Bracket.

Persons prohibited from building on certain lots.

Proviso.

XXVI. *And be it further enacted,* That it shall be the duty of the superintendent to cause to be laid out two acres of land, on such part of the said salt reservation as he may deem proper, for the purpose of making salt by evaporation other than by fire; and the superintendent is hereby required to lease the same for that purpose, for the term of seven years, free of rent or duty, to such person or persons as he shall think proper, and to allow them any surplus water for that purpose; and to encourage an experiment for the making of salt by such evaporation, no similar exemption shall be granted for seven years.

A lot may be laid out for making salt by evaporation.

The Sup.
shall take an
oath.

XXVII. *Be it further enacted,* That the superintendent shall, within thirty days after his appointment, and before he enters on the duties of his office, take and subscribe an oath well and faithfully to discharge the duties of his said office, and shall file the same with the comptroller; and in case the superintendent shall neglect, for thirty days after his appointment, to take and subscribe or file said oath, or shall neglect, for thirty days after his appointment, to execute and deliver to the comptroller the bond required by the second section of this act, such neglect shall be deemed a refusal to serve, and his appointment shall be void.

Transfers of
lots shall be
recorded in
Salina.

XXVIII. *And be it further enacted,* That every transfer of any leased lot or part of a lot, made by permission of the superintendent, shall be recorded in the office of the clerk of the town of Salina, or be deemed fraudulent against any subsequent bona fide purchaser, and the said clerk is hereby prohibited from recording any such transfer, unless the permission of the superintendent is indorsed, and the said clerk may receive twenty-five cents, and no more, for recording each of such transfers.

The Sup.
shall reside
on or near
the reserva-
tion.

XXIX. *And be it further enacted,* That the superintendent shall reside on or near the said reservation, and if he shall at any time after he shall enter on the duties of his office, be or become, directly or indirectly, interested in any of the salt works, he shall lose his office, and forfeit and pay to the people of the state of New-York five hundred dollars, to be recovered by action of debt, or information in the supreme court of this state, with costs of suit.

Forfeitures
shall be re-
covered in
the name of
the Sup.

XXX. *And be it further enacted,* That each and every forfeiture in this act mentioned, excepting as is otherwise provided, shall and may be sued for and recovered, with costs of suit, by the superintendent in his official name, before any court having cognizance of the same, and the one half, when received, shall be to the use of the people of this state, and the other half to the use of the person who shall give information to the superintendent of the offence for which any such recovery shall be had.

XXXI. *And be it further enacted*, That the superintendent and his deputies, for the time being, shall be and hereby are declared to be exempted from serving on juries, and, except in cases of actual invasion, from militia duty.

He and his
deputies ex-
empted from
juries, &c.

XXXII. *And be it further enacted*, That it shall be the duty of the superintendent to cause such repairs to be made to the public buildings on the said reservation, excepting the block-house, as shall be necessary for their preservation.

XXXIII. *And be it further enacted*, That the salary of the superintendent shall hereafter be eight hundred dollars per annum, over and above what is allowed for his deputies, and that the comptroller, on the settlement of accounts with the superintendent, shall allow to him his said salary, and also eight hundred and fifty dollars for the salaries of his three deputies, and also the sums of money by him necessarily expended in repairing the public buildings, for their preservation as aforesaid, and also all his expenses in causing the necessary surveys and maps to be made in performing the duty required by this act, and also his expenses for the purchase of stationary, and all implements necessary for the inspection of salt, and all necessary office expenses.

Salary of the
Sup. and his
deputies

XXXIV. *And be it further enacted*, That all the acts heretofore passed relative to the said salt springs shall be and hereby are repealed, excepting an act for the appointment of a superintendent, passed 22d February, 1811: *Provided always*, That this repeal shall not in any way affect or invalidate any deeds or leases heretofore given, of any land on said reservation, or any assignment of or contract respecting the said deeds or leases, or any of them, or to affect or invalidate any covenant, condition or limitation, in said deeds or leases, or any of them contained, or to affect or invalidate any titles, rights or privileges, rents, duties, forfeitures, liabilities or penalties, acquired, accrued or incurred, under or by virtue of any of said acts, or the means of preserving, enforcing or collecting the same.

Former acts
repealed.

Proviso

CHAP. CLXV.

An ACT *altering the route of a road therein mentioned and for other purposes.*

Passed June 15, 1812.

I. **B**E it enacted by the people of the state of New York, represented in senate and assembly, That the commissioners of highways of the town of Northampton, in the county of Genesee, be and are hereby authorised and required to alter that part of a road laid out by the commissioners appointed by an act of the legislature, entitled "an act appointing commissioners to lay a road through the county of Genesee, from the termination of the road now laid from the village of Salina to or near the falls on Genesee river, to Lewistown, on Niagara river, and for other purposes, passed 4th April, 1806," as follows: Beginning at the south end of a bridge near the house of Elisha Dunham, in the town of Northampton, and running thence south twenty-six degrees, east one hundred and twenty-three rods; thence south forty degrees, east eighty rods: thence south forty-three degrees, east one hundred and fifty-seven rods to the place of intersection with the road as laid by the commissioners under the act above recited. And the commissioners of highways of the town of Northampton are further authorised and required to alter another part of the above-mentioned road as follows: Beginning at the nine mile stake, in the town of Northampton; and running from said stake south, eighty degrees, west one hundred and eighty rods; thence north seventy-five degrees, west to the place of intersection with the road as laid by the commissioners under the before recited act.

II. *And be it further enacted,* That the route of the road, as altered in the preceding section, shall hereafter be the route established by law, and as soon as the same shall be opened and sufficiently made, such parts of the road as laid by the commissioners under the before recited act, as are included between the intersection points of the road established by virtue of this act, shall discontinue and cease to be a public road.

III. *And be it further enacted,* That the commis-

sioners of highways of the town of Northampton shall forthwith cause a map of the road, established by virtue of this act, to be made and filed in the office of the clerk of the county of Genesee. *And whereas*, it is represented that the commissioners appointed by the act, entitled "an act to incorporate the portage turnpike company in the county of Chautawque," passed the 8th day of April, 1811, have neglected to lay out the road therein mentioned: Therefore,

IV. *Be it further enacted*, That the person administering the government of this state is hereby authorised to appoint three proper persons to lay out said road, whose duty it shall be to lay out the same in the manner directed in and by the aforesaid recited act.

CHAP. CLXVI.

An ACT to amend an act, entitled "an act supplementary to an act for the improving the road from Chester to Canton.

Passed June 15, 1812.

WHEREAS a number of the proprietors of the land subjected to the tax for the improvement of the road from Chester to Canton, are desirous that the whole of the remaining taxes, directed to be assessed by the said act, should be assessed and collected, at the time fixed, for the next assessment, as it would lessen the expenses of collecting them, and enable the commissioners to make the improvements on said road much earlier, which would be to the advantage of the public as well as the proprietors:

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the assessor appointed by said act, supplementary to the act for improving the road from Chester to Canton, to assess all the taxes that he is authorised to assess by the said act in the three succeeding years, at the time he is directed to assess the second tax and put the whole in one tax, and proceed in the same manner he did with the first tax, and

that he shall be entitled to receive two and one half per cent on the amount of the tax so assessed and no more.

II. *And be it further enacted*, That the comptroller of this state, on receiving the said assessment, be and is hereby directed to give public notice in one of the newspapers printed in the city of Albany, and one of the newspapers printed in the city of New-York, that he has received an assessment of the taxes imposed by the act supplementary to the act for improving the road from Chester to Canton, which will become due on the first day of November next ensuing, and that they are assessed on the same lands that the tax of the last year was under said act, which advertisement shall be continued for six weeks previous to said first day of November.

III. *And be it further enacted*, That if the amount of such tax, or any part thereof, shall remain unpaid for three months after the first Monday of November, according to the said act the comptroller is hereby required to cause public notice to be given, twice in each month, in one of the newspapers printed in the city of Albany, and one of the newspapers printed in the city of New-York, mentioning particularly the several lots of land and the owners names, where they are known and the amount of the tax remaining unpaid on each lot or parcel; and if such tax is not paid, together with the expense of advertising, on or before the first Monday in May then next ensuing, so much of each lot or parcel will immediately thereafter be sold at the city of Albany, in manner mentioned in the said act, as will be sufficient to pay the tax on such lot or parcel, with all expenses attending the advertising, selling and conveying the same. And if the said tax, or any part thereof, remains unpaid on the first Monday of May aforesaid, the comptroller shall forthwith cause so much of any lot or parcel of land so assessed, and whereof the said tax remains unpaid, to be sold at the city of Albany, at public auction, as will be sufficient to pay the taxes due on such lot or parcel, with all expenses attending the advertising, selling and conveying the same: *Provided always*, That if any of the owners of said land, so sold, shall within two years

after said sale, pay to the comptroller, for the benefit of the purchaser, the amount for which said land sold for, together with the interest on the same, at the rate of fourteen per cent. per annum, then said sale and conveyance shall be void and of no effect.

IV. *And be it further enacted*, That so much of the said act, entitled "an act supplementary to the act for improving the road from Chester to Canton," as comes within the purview of this act, be and the same is hereby repealed.

CHAP. CLXVII.

An ACT to incorporate the New-York Manufacturing Company,

Passed June 15, 1812.

WHEREAS Anthony Post, John L. Van Kleeck, Samuel Whittemore and Isaac Marquand, Preamble. together with other citizens of this state, have associated together for the laudable purpose of establishing and perfecting the manufacture of Iron and Brass Wire, and of Cotton and Wool Cards, in such part or parts of the state of New-York as they shall think most advantageous: And whereas they have presented a petition to the Legislature, setting forth the importance of such an establishment to the manufactories of cotton and woollen cloths, the difficulty of inducing persons to invest their money in untried enterprizes, however important to the general welfare, and the necessity of allowing them the privilege of annexing a banking institution to their establishment, to enable them to carry the same into effect: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Anthony Post, John L. Van Kleeck, Samuel Whittemore, Isaac Marquand and such others as now are or may hereafter be associated with them for the purposes aforesaid, shall be and hereby are ordained, constituted and declared to be, until the first day of June, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic,

A. Post and others, incorporated.

Their style,
 &c.

in fact and in name, by the name of "the President and Directors of the New-York Manufacturing Company," and by that name they, their successors and assigns, until that time, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate so to be holden, shall be such only as shall be requisite to promote and attain the objects of this incorporation, such as shall have been bona fide mortgaged to it by way of security for loans, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Amount of
 stock.

II. *And be it further enacted*, That the capital stock of said corporation shall not exceed one million two hundred thousand dollars, and that a share in the said stock shall be fifty dollars, and that subscriptions to the said capital stock be opened and kept open, under the direction of the president and directors of said corporation, until the numbers of shares subscribed shall amount to twenty-four thousand.

Number of
 directors.

III. *And be it further enacted*, That the stock, property, affairs and concerns, of said corporation shall be managed and conducted by fifteen directors, one of whom to be president, who shall hold their offices for one year from the first Tuesday of July in every year, which said directors shall be citizens of this state, and that fourteen of the said directors shall be elected on the first Tuesday of July in every year, at such time of the day, and at such place, within the city of New-York, as a majority of the directors for the time being may appoint, and public notice shall be

Election,
 when held
 and how to
 be conducted

given by the said directors, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York, and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose, in their proper persons or by proxy, and all elections shall be by ballot, each share of the stock having one vote, and the fourteen persons who shall have the greatest number of votes at an election shall be directors; and if it shall happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than shall, by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorised to vote at such elections shall proceed to ballot a second time, and by plurality of votes determine which of the persons, so having an equal number of votes, shall be the director or directors, so to complete the whole number of fourteen; and the said fourteen directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of this state, the office of such director or directors shall be considered as vacant, and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; that the first directors, excepting those who are to be appointed in the manner herein after mentioned, shall be Anthony Post, John L. Van Kleeck, Samuel Whittemore, Isaac Marquand, Ebenezer Burrill, George Fitch, Sylvanus Miller, David S. Jones, Noyes Darling, Reuben Crump, Eliphalet Williams, Barent Gardinier, Abraham Bussing, John King, junior, and shall hold their offices until the first Tuesday of April, one thousand eight hundred and thirteen.

Directors to
elect a president.

Vacancies
how filled.

First directors.

Corporation
not to be dis-
solved for
not making
election on
the day ap-
pointed.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day that, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the bye-laws and ordinances of the said corporation.

One direc-
tor to be ap-
pointed by
the council
of appoint-
ment.

V. *And be it further enacted*, That one director of the said corporation shall be annually appointed by the council of appointment, in behalf of this state, on or before the second Monday of April in every year, who shall hold his office for the term of one year from the day of his appointment, and until another is appointed in his stead; and the said corporation shall annually, on the first Monday of January, make to the comptroller of this state, under the oath of the president of said corporation, a report of the amount of money vested and employed in pursuance of the tenth section of this act, stating the manner in which the said monies have been invested and employed, with as much particularity as conveniently may be; and if the comptroller, on any such report, shall be of opinion that the requisitions of this act have not been complied with, he shall direct the attorney-general of this state to file against said company an information, in nature of a quo warranto, for the purpose of vacating the charter hereby granted, which direction the said attorney-general shall forthwith comply with.

Annual re-
port to be
made to the
comptroller.

Duty of the
comptroller.

Stockholders
may be call-
ed on for sub-
scriptions.

VI. *And be it further enacted*, That it shall be lawful for the president and directors of said corporation to call and demand of the stockholders respectively all such sums of money as are by them subscribed, at such times and in such proportions as they shall deem fit, under pain of forfeiture of their shares and of all previous payments thereon to the said corporation, always, however, giving at least thirty days previous notice of such call and demand, in one of the public newspapers to be published as aforesaid.

Power and
duty of these
directors.

VII. *And be it further enacted*, That a majority of the directors for the time being shall form a board or quorum for transacting all the business of the said cor-

poration, and shall have power to make and prescribe such bye-laws, rules and regulations, not repugnant to the constitution or laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said corporation; the duties and conduct of the officers, clerks and servants, employed therein; the election of directors, and all such other matters as appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

VIII. *And be it further enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

No transfer
valid unless
registered.

IX. *And be it further enacted*, That the corporation shall, as soon as the same shall be duly organized, contract for and purchase of A. and W. Whittemore, of Boston, the machinery owned by them for cutting and sticking card-teeth, together with the exclusive right, secured to them by letters patent from the United States, of using that and such machinery for the term of thirteen years, and that the said corporation shall not directly or indirectly use or employ said machinery, or any other the use of which is secured by letters patent, in any state except the state of New-York, nor grant, sell or convey, to any other person or persons, the right to use such machinery in any other state: *And further*, That in case such purchase shall not be made within twelve months from and after the passing of this act, by the said corporation, as contemplated by this section of said act, that then and in such case this act, and the privileges thereby granted, shall thenceforth be null and void, any thing herein before contained to the contrary notwithstanding.

The corporation
to purchase
machinery for cut-
ting and
sticking
card-teeth of
A. & W.
Whittemore.

If not pur-
chased in
12 months
this act to be
void.

X. *And be it further enacted*, That the said corporation shall, on or before the first day of November, one thousand eight hundred and thirteen, actually expend in purchasing said exclusive right, and in the erection of manufacturing-houses, machinery and hy-

\$50,000 dolls.
to be expen-
ded in said
purchase be-
fore Nov. 1,
1813.

draulic works, suitable for the purpose of establishing and carrying on the manufactures contemplated by this act, at least the sum of two hundred and fifty thousand dollars, and shall continue to invest at least the sum of fifty thousand dollars, in each year thereafter, in such manufacturing establishment, until the whole capital actually expended and employed as aforesaid, shall amount to five hundred thousand dollars, which sum the said corporation shall, at all times thereafter during the continuance of this charter, actually employ in the carrying on the manufactures aforesaid; and in case the said corporation shall at any time neglect so to do, or shall fail to invest the said monies as aforesaid, that then and in either of such cases this act, and the privileges granted thereby, shall cease, determine, and be absolutely void and of none effect.

And \$0,000
dolls. annu-
ally until
\$50,000 dolls.
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in the manu-
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tablishment.

Corporation
may open an
office of dis-
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deposit with
the remain-
der of their
capital.

XI. *And be it further enacted*, That the said corporation be allowed to open an office of discount and deposit in the city of New-York, and not elsewhere, and to employ such part of their capital stock as shall not be otherwise appropriated, not exceeding seven hundred thousand dollars in the whole, in the ordinary business of banking; and that the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons whatever, shall be assignable, by endorsement thereupon, under the hand of such person or his assignee, and to enable such assignee to bring and maintain an action thereupon in his own name; and all bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding upon the same in like manner, and with like force and effect, as upon any private person, if issued by him in his private or natural capacity, and shall and may be assignable and negotiable in like manner: but it shall not be lawful for the said corporation to demand any greater interest, on any loan or discount, than at the rate of six per cent. per annum; and the total amount of debts, at any time and in any manner due by the said corporation, over and above the specie actually

Rate of in-
terest.

deposited in their office in New-York, shall not exceed three times, nor the bills actually issued by the same, the amount of the sum of the capital stock subscribed and paid by the said corporation: *Provided always*, Proviso. That the said corporation shall not open said office of discount and deposit, nor be authorised to employ any part of their capital in the business of banking, until it shall be proved to the satisfaction of the person administering the government of this state for the time being, and by him certified, in writing, to the comptroller of this state, that the said corporation have bona fide expended the sum of two hundred and fifty thousand dollars in purchasing said exclusive right, and in the erection of manufacturing-houses and machinery suitable for the purpose of establishing and carrying on the manufactures contemplated by this act: *And provided also*, That the powers, rights and privileges, Further proviso. granted to the said corporation in and by the eleventh section of this act shall cease and be utterly void, unless such certificate, by the person administering the government of this state for the time being, shall be filed in the office of the comptroller of this state on or before the first day of November, one thousand eight hundred and thirteen: *And provided*, That it shall not be lawful for the said corporation to employ any part of their capital stock or funds in the purchase of any of the public debt of the United States or any other stock, or in the purchase and sale of goods and merchandize, further than may be necessary to effectuate the purposes of the said corporation: *And provided further*, That it shall not be lawful for the said corporation to establish or carry on any manufactory of wire, or of cotton and wool cards, at any place whatever out of this state, and that nothing in this act contained shall be construed to vest in the said company the exclusive right to the machinery therein mentioned, or to continue the same beyond the time limited by their patent. Further proviso.

CHAP. CLXVIII.

An ACT to amend an Act, entitled "*An Act to incorporate the Eastern Union Turnpike Company.*"

Passed June 15, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That that part of the route of the Eastern Union turnpike road, laid out and surveyed by the commissioners appointed for that purpose, which extends from the south-west corner of the house of John Allen, of the town of Stephentown, north-westerly two hundred rods, be and the same is hereby altered, so as to run from the south-west corner of said house north seventy-five degrees west, until it intersects the said road as laid out and surveyed by the said commissioners.

II. *And be it further enacted*, That whenever that part of the said road which runs from the house of Caleb Carr, in the town of Stephentown, westerly to the Crooked Lake, in the town of Berlin, (being a distance of seven miles) shall be finished and inspected according to law; the president and directors of the Eastern Union turnpike road shall have the power and right to erect a gate on said road so finished and inspected, and receive the tolls authorised by the act hereby amended, until the first day of July, in the year of our Lord one thousand eight hundred and fourteen, any thing in the said act or any other act to the contrary notwithstanding.

CHAP. CLXIX.

An ACT providing for the election of Representatives for this State in the Congress of the United States.

Passed June 16, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That a general election of representatives for this state, in the House of Representatives of the Congress of the United States, for the term of two years, commencing on the fourth day of March next, shall be held on

the third Tuesday of December next, and the two next succeeding days; and the next election thereafter, on the last Tuesday of April, and the two next succeeding days, one thousand eight hundred and fourteen; and the subsequent general elections for such representatives, on the last Tuesday of April, and the two next succeeding days, in every second year thereafter; and that at such elections twenty-seven representatives be elected, agreeably to the last apportionment of representatives amongst the several states by the Congress of the United States, and in conformity with the act, entitled "an act to divide the state into districts for the election of representatives in the Congress of the United States," passed the 10th day of June, 1812, and that the said elections be conducted and held, the ballots canvassed, returns made and certificates of election given, in the manner directed by the now existing laws of this state relative to the election of representatives for this state in the Congress of the United States.

CHAP. CLXX.

An ACT authorising James McBurney to erect a Dam across the Canesteo River, in the County of Steuben, and for other purposes.

Passed June 16, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That James McBurney is hereby authorised to erect a dam across the Canesteo river, at the place where Purdy's bridge crosses the said river, for the purpose of erecting mills: *Provided*, That the dam so to be erected shall not exceed four feet in height: *And provided further*, That the said James McBurney shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for arks, rafts and all other boats common in said river, at all times during the continuance of the said dam: *And provided further*, That if the passage aforesaid shall at any time be obstructed, this act shall be absolutely void.

CHAP. CLXXI.

An ACT for the relief of Hertmen Pickerd, Michael Day, John Schuyler and Robert Van Tine, and others.

Passed June 16, 1812.

Preamble.

WHEREAS Hertmen Pickerd, Michael Day and John Schuyler, were by an act of the legislature passed March 20, 1802, respectively entitled to two hundred and fifty acres each, in a tract of land at that time recently purchased by the state, of the Oneida Indians, now lying in Madison county : And whereas, on surveying the lines of the tract so purchased, there doth appear that six acres of the said land granted to John Schuyler, as aforesaid, one hundred and forty-two acres, three roods and nine perches of the land so as aforesaid, granted to the said Michael Day, and the whole quantity of the land so as aforesaid, granted to the said Hertmen Pickerd, are cut off by the said line, so that the said John Schuyler, Michael Day and Hertmen Pickerd, are deprived of the said land so cut off as aforesaid : Therefore,

250 acres
granted to
H. Pickerd.

140 acres to
M. Day.

6 acres to J.
Schuyler.

Where to be
located.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to the said Hertmen Pickerd, his heirs and assigns, for two hundred and fifty acres ; to the said Michael Day, his heirs and assigns, for one hundred and forty-two acres, three roods and nine perches, and to the said John Schuyler, his heirs and assigns, for six acres : that the said land so to be granted, shall be taken from lots number twenty, thirty-one and thirty-seven, in the said tract, recently purchased from the Oneida Indians, as before mentioned, and from the land adjoining the same lots, sufficient to make up the said several quantities, or the same shall be taken from some other land in the said tract, as shall appear best to the said commissioners of the land office—on condition that they, the said Hertmen Pickerd, Michael Day and John Schuyler, their heirs or assigns, previous to the granting of the said several letters patent to them respectively, shall severally pay into the trea-

surey of this state, one sixth part of the sum or sums at which the land so to be granted to them was appraised, by the direction of the surveyor-general; and at the time of issuing the said letters patent, shall respectively execute bonds and mortgages to the people of this state, on the lands so respectively to be patented to them, for securing payment of the remainder of the said several sums, in five equal annual instalments, with interest on the same, to be annually paid at the rate of six per centum per annum: *Provided*, That the said Hertmen Pickerd, Michael Day and John Schuyler shall respectively apply to the commissioners of the land office for their said respective grants, within six months after the passing of this act: *Provided further*, That the neglect of any of them in the premises, shall not prejudice or affect the application of the others; and that the land to be granted to each of them shall only be chargeable with the monies to be paid therefor, and which shall be due thereon and no more.

One sixth to be paid before patents issue.

Bonds and mortgages given.

Provided.

Further proviso.

II. *And be it further enacted*, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to issue letters patent to Robert Van Tine, for two hundred acres of land, in the tract set apart for bounties to the officers and soldiers of the line of this state, in the war between Great-Britain and the United States: *Provided*, That the former grant of two hundred acres in the township of Sterling, shall be unincumbered and released by the said Robert Van Tine to the people of this state.

200 acres to R. VanTine.

Provided.

III. *And be it further enacted*, That it shall and may be lawful for the commissioners of the land office and they are hereby required to issue letters patent to the legal representatives of Francis Van Tine, for two hundred acres of land in the tract last aforesaid, in full for the services of the said Francis Van Tine in the revolutionary war: *Provided*, That the former grant of two hundred acres of land, made to the legal representatives of the said Francis Van Tyne, deceased, shall be unincumbered and released to the people of this state.

200 acres granted to the heirs of F. VanTyne.

Provided.

IV. *And be it further enacted*, That the surveyor-

Lands granted
to J. Cooper.

general be and he is hereby directed forthwith to cause to be appraised, lot number 12, in the town of Sterling, in the county of Cayuga, and also one hundred acres of land in lot No. 27, of said town, on the north-west corner of said lot No. 27, and that he convey the said lot and the said one hundred acres of land, to John Cooper, of the said town of Sterling, and county of Cayuga, on a credit of eight years, he the said John Cooper to pay the interest annually, on condition that the said John shall execute his bond and mortgage to the people of this state, for the payment of the consideration money and interest as aforesaid.

CHAP. CLXXII.

An ACT to incorporate the proprietors of the Earthen Conduit Company of Troy.

Passed June 16, 1812.

Preamble.

WHEREAS certain persons have associated for supplying the village of Troy with water, and have, by their petition, prayed to be incorporated: Therefore,

A. Ten Eyck
and others
incorporated

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That Abraham Ten Eyck, Derick Lane, Daniel Merritt, and their associates, shall be and hereby are constituted a body corporate and politic, in fact and in-name, by the name of "the trustees of the Earthen Conduit company of Troy," and by that name may and shall have succession, for the term of thirty years after the passing of this act, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever, have a common seal, and make, change and alter the same at pleasure, and be capable of purchasing and conveying, any estate, real or personal, for the use of said corporation: *Provided*, such real estate shall be necessary to attain the object of this incorporation, that the stock of said corporation shall be deemed personal property, and shall consist of one hundred shares of one hundred dollars each; that each of the stockholders of said association shall pay in such

Their style,
&c.

Amount of
stock.

proportions, and at such periods of time as the trustees of said company shall direct and appoint, upon pain of forfeiture of their shares, and all previous payments thereon, to said trustees for the use of said company; that the management of the concerns of said company shall be entrusted to five trustees, being stockholders and inhabitants of the village of Troy, which trustees shall hold their offices one year from the first Tuesday in September in every year that an election shall be held on the Saturday preceding every such Tuesday in September in every year, in such place in the village of Troy, and at such hours as the trustees shall from time to time appoint by notification, to be published in one of the newspapers printed in said village at least one day before the election day, Elections how made. that all elections shall be by ballot by the stockholders personally or by proxy, each stockholder voting in the following proportions, to wit: one vote for every share not exceeding five, and one vote for every two shares over five; but no person or co-partnership shall be entitled to more than ten votes; and the said five persons having the greatest number of votes, shall be trustees; that any two or more persons having an equal number of votes, so as that five trustees shall not be chosen or elected, the stockholders shall on the Monday next succeeding, at the same place and same hour, in like manner elect out of the persons so having an equal number of votes, so many as shall complete the number of five trustees; that the trustees shall, on the second Tuesday in September in every year, elect one of their number president; that in case of the absence of the president from any meeting, the trustees present may appoint one of their number president for the meeting, and that in case of vacancy in the office of any of the trustees by death, resignation or removal from the said village, others shall be elected by the stockholders in like manner as aforesaid to fill such vacancy, and that Abraham Ten Eyck shall be the First president and trustees. first president, and Abraham Ten Eyck, Derick Lane, Platt Titus, Nathan Warren and Daniel Merritt, the first trustees of said company, to remain in office until the first Tuesday in September next.

That day.

II. *And be it further enacted,* That the said trustees shall be authorised in their discretion to appoint a clerk, superintendant, and such other officers, agents and servants as they shall from time to time deem necessary for carrying into effect the powers vested in said company, to declare dividends on the stock of said company, to establish rules and regulations, by ordinances and bye-laws, for and concerning the government of such officers, agents and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all such persons as shall use the water from said conduit, so far as it respects the preservation of the water furnished by the said company and the use thereof, and to restrain the waste thereof, and by such bye-laws and ordinances to impose penalties and forfeitures for refusal to comply therewith, so as that such penalty and forfeiture in any one case shall not exceed five dollars, which penalties or forfeitures shall be recoverable, in the name of the clerk or superintendent, before any justice of the peace of the village of Troy, with costs, in an action of debt. And for the purpose of effectually supplying the inhabitants of said village with water, it shall and may be lawful to and for the said trustees and company to lay and conduct any number of conduits necessary for and calculated to supply such water through or over any lands in the township or village of Troy, and in case of disagreement with the owner or owners of any lands or tenements as to the compensation to be made for the injury committed by such operations, or if the owner or owners be out of the state, feme coverts, under age or insane, that then and in such case it shall be lawful for any justice of the peace of the village of Troy, upon application of said trustees, to appoint three indifferent persons, being freeholders, to appraise such damages, and they or any two of them shall, with all convenient speed, make such appraisement and report the same to the justice who shall have made such appointment in writing subscribed by them, which report the said justice shall forthwith cause to be filed in the office of the

clerk of said county, with a certificate to be subscribed by him of his having made such appointment; that the said trustees shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorised to receive the same, whenever he, she or they shall demand the amount of such damages, and shall forthwith, after such appraisement shall have been completed, pay to such justice all the costs, charges attending the making such appraisement and perfecting such report, which payment shall be deemed full compensation for such injury, and that it shall and may be lawful to and for the said trustees and company to conduct and lay their conduits below the surface of any street or public highway in the said village or township of Troy, putting such street or public highway in as good condition as the same was before such conduits were laid.

III. *And be it further enacted*, That if any person or persons shall wilfully stop, impair or break any conduit, reservoir or any other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the trustees and company aforesaid treble the damages thereby sustained, to be recovered by the said trustees in an action of trespass, in any court having cognizance thereof, with costs.

Penalty for
injuring the
conduits, &c.

IV. *And be it further enacted*, That in case any election shall not be holden on the day which by this act is prescribed, the said corporation shall not therefor be dissolved, but it shall and may be lawful for the stockholders to hold such election on any subsequent day within sixty days thereafter.

CHAP. CLXXXIII.

An ACT to divide the town of Olean, in the county of Cattaraugus, and for other purposes.

Passed June 16, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tues-

Eaching enact-
ed.

CHAP. CLXXIV.

An ACT relative to opening, laying out and forming, and extending, enlarging, and otherwise improving streets, avenues, squares and public places in the city of New-York.

Passed June 16, 1812.

Powers of the corporation, relative to opening streets, &c.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That whenever and as often as the mayor, aldermen and commonalty of the city of New-York shall be desirous to open any street, avenue, square or public place, or any particular part or section of any street or avenue laid out by the commissioners of streets and roads in the city of New-York, under and by virtue of the act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807; and also whenever and as often as so many proprietors of lands fronting on any such street, avenue, square or public place, or on any particular part or section of any such street, avenue, square or public place, as shall together own three fourth parts of all the lands fronting on such street, avenue, square or public place, or on such part or section of any such street, avenue, square or public place, shall, by petition, desire the said mayor, aldermen and commonalty to open any such street, avenue, square or public place, or any such particular part or section of any such street, avenue, square or public place, and the said mayor, aldermen and commonalty shall deem the opening thereof to be necessary or useful, it shall be lawful for the said mayor, aldermen and commonalty to cause the same to be opened and the lands, tenements and hereditaments that may be required for the purpose of opening the same may be taken for that purpose, and compensation and recompence made to the parties and persons, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit and advantage thereof for the excess of the damage over and above the value of the said benefit in the manner hereinafter for that purpose directed and

prescribed; and whenever and as often also as it shall, in the opinion of the said mayor, aldermen and commonalty in common council convened, be necessary or desirable for the public convenience or health, to lay out, form and open any street or streets, or public place or places, in any part of the said city not laid out into streets, avenues, squares and public places by the commissioners of streets and roads in the city of New-York under and by virtue of the act aforesaid, or to extend, enlarge, straighten, alter or otherwise improve any street or streets, or part of a street or public place or places already laid out, or hereafter to be laid out, and formed or opened in any part of the said city not laid out into streets, avenues, squares and public places by the commissioners aforesaid, it shall be lawful for the said mayor, aldermen and commonalty of the city of New-York to order and direct the same to be done and to cause the same to be done accordingly, in such manner as they shall think most advisable, notwithstanding it may become necessary for that purpose to remove any building or buildings, or to take any lands, tenements, hereditaments or premises whatsoever; and if the said mayor, aldermen and commonalty shall require any lands, tenements, hereditaments or premises of any person or persons, or body politic or corporate, for any such purpose, the same may be taken and appropriated to such use and compensation and recompence made to the parties and persons respectively, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit and advantage thereof for the excess of the said damages above the said benefit in the manner for that purpose hereinafter mentioned and provided.

II. *And be it further enacted*, That whenever and as often as any lands, tenements, hereditaments or premises whatsoever, shall be required for the said purpose of opening any such public square, place, street or avenue, or part or section of a street or avenue in the said city of New-York, laid out by the commissioners aforesaid, under and by virtue of the act aforesaid, so to be opened or for the said purposes of laying out and forming or extending, enlarging, straighten-

Mode of as-
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damages for
lands requir-
ed for streets
&c.

Sup. court
on applica-
tion of the
corporation
authorised to
appoint three
commission-
ers.

Who are to
take and
subscribe an
oath.

Duty of com-
missioners.

ing, altering or otherwise improving any street or public place, so to be laid out and formed or opened, or so to be extended, enlarged, straightened, altered or otherwise improved, in any part of the said city not laid out into streets, avenues, squares and public places by the commissioners aforesaid under the act aforesaid, or for any or either of the said purposes, it shall be lawful for the said mayor, aldermen and commonalty to make application, or to cause application to be made, to the supreme court of judicature of this state for the appointment of commissioners; and it shall be lawful for the said court, to whom such application shall be made, on any such application to nominate and appoint three discreet and disinterested persons, being citizens of the United States, commissioners of estimate and assessment for the purpose of performing the duties hereinafter in that behalf prescribed, which said commissioners, before they enter upon the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation before some person authorised by law to administer oaths faithfully to perform the trust and duties required of them by this act, which oath or affirmation shall be filed in the clerks office of the city of New-York; and it shall be the duty of the said commissioners, after having viewed the lands, tenements, hereditaments and premises so required for the purpose of opening the said public square or place, street, avenue or part or section of a street or avenue so to be opened, or for the purpose of laying out and forming the street or streets or public place so to be laid out and formed, or for the purpose of extending, enlarging, straightening, altering or otherwise improving the street or public place so to be extended, enlarged, straightened, altered or otherwise improved as the case may be, and the lands, tenements, hereditaments and premises on each side of the same, half way to the next street or avenue thereto, if they shall deem such view to be necessary or useful, and after causing all such surveys, maps, profiles, plans and other things as they may judge necessary to be made, done and prepared for their use, to proceed to and make a just and equitable estimate and assessment of the loss and dam-

age, if any, over and above the benefit and advantage, or of the benefit and advantage, if any, over and above the loss and damage, as the case may be, to the respective owners, lessees, parties and persons respectively entitled unto or intersected in the lands, tenements, hereditaments and premises so required for the purpose, by and in consequence of opening such public square or place, street, avenue or part or section of a street or avenue so to be opened, or by and in consequence of laying out and forming such public street or place so to be laid out and formed, or by and in consequence of extending, enlarging or otherwise improving the street or public place so to be extended, enlarged or otherwise improved as the case may be, and a just and equitable estimate and assessment also of the value of the benefit and advantage of such said public square or place, street, avenue or part or section of a street or avenue so to be opened, or such street or public place so to be laid out and formed, or of such extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved as the case may be to the respective owners, lessees, parties and persons respectively entitled unto or interested in the said respective lands, tenements, hereditaments and premises not required for the purpose of opening, laying out and forming or extending, enlarging or otherwise improving the same, but fronting or to front thereon, or being at and within half the distance of the next street or avenue thereto from the same on each side thereof, and which the said commissioners may deem to be benefitted by such public square or place, street, avenue, or part or section of a street or avenue so to be opened, or such street or public place so to be laid out and formed, or so to be extended, enlarged or otherwise improved, in respect to the respective estates and interest of such said owners, lessees, parties and persons respectively so entitled unto or interested in such said lands, tenements, hereditaments and premises so benefitted thereby, and to report to the said supreme court of judicature without unnecessary delay; and in making such estimate and assessment and report in the premises it

Sup. court
on applica-
tion of the
corporation
authorised to
appoint three
commission-
ers.

Who are to
take and
subscribe an
oath.

Duty of com-
missioners.

ing, altering or otherwise improving any street or public place, so to be laid out and formed or opened, or so to be extended, enlarged, straightened, altered or otherwise improved, in any part of the said city not laid out into streets, avenues, squares and public places by the commissioners aforesaid under the act aforesaid, or for any or either of the said purposes, it shall be lawful for the said mayor, aldermen and commonalty to make application, or to cause application to be made, to the supreme court of judicature of this state for the appointment of commissioners; and it shall be lawful for the said court, to whom such application shall be made, on any such application to nominate and appoint three discreet and disinterested persons, being citizens of the United States, commissioners to estimate and assessment for the purpose of performing the duties hereinafter in that behalf prescribed, which said commissioners, before they enter upon the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation before some person authorised by law to administer oaths faithfully to perform the trust and duties required of them by this act, which oath or affirmation shall be filed in the clerk's office of the city of New-York; and it shall be the duty of the said commissioners, after having viewed the lands, tenements, hereditaments and premises so required for the purpose of opening the said public square or place, street, avenue or part or section of a street or avenue so to be opened, or for the purpose of laying out and forming the street or streets or public place so to be laid out and formed, or for the purpose of extending, enlarging, straightening, altering or otherwise improving the street or public place so to be extended, enlarged, straightened, altered or otherwise improved as the case may be, and the lands, tenements, hereditaments and premises on each side of the same, half way to the next street or avenue thereto, if they shall deem such view to be necessary or useful, and after causing all such surveys, maps, profiles, plans and other things as they may judge necessary to be made, done and prepared for their use, to proceed to and make a just and equitable estimate and assessment of the loss and dam-

or of such said street or public place so to be laid out and formed, or of such extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved, as the case may be, to any owner or owners, lessee or lessees, party or person or persons, so entitled unto or interested in any such lands, tenements, hereditaments or premises, so required for the purpose of the said operation of opening, laying out and forming or extending, enlarging or otherwise improving the same, will, in the opinion of the said commissioners, be equal and equivalent to the loss and damage of such owner or owners, lessee or lessees, party or person or persons respectively, by and in consequence of the said operation of opening, laying out and forming, or extending, enlarging or otherwise improving the same, and the relinquishment of the lands, tenements, hereditaments and premises, required for that purpose, to report that such owners, lessees, parties and persons respectively, will suffer no damage by or in consequence of making such said operation and improvement, and relinquishing the lands, tenements, hereditaments and premises, so required of him, her or them respectively, for that purpose, the benefit and advantage thereof to him, her or them, being equal and equivalent to the loss and damage that will be sustained by him, her or them, thereby: but in all cases where the benefit and advantage of such said operation and improvement to any such owner or owners, lessee or lessees, party, or person or persons, so entitled unto or interested in any lands, tenements, hereditaments and premises, required for the purpose of making the same, will, in the opinion of the said commissioners, exceed the loss and damage which he, she or they, will respectively sustain by and in consequence of the making of the same, and the relinquishment by him, her or them, of the said lands, tenements, hereditaments and premises, so required of him, her or them respectively, for that purpose, to estimate, assess and report, the excess and surplus only of the value of the said benefit and advantage over and above the said

loss and damage as and for the sum or allowance to be allowed and paid, and the same shall be the sum or allowance to be allowed and paid by him, her or them respectively, for the benefit and advantage of the said public square, place, street or avenue, or part or section of a street or avenue, so to be opened, or of the said street or public place so to be laid out and formed, or of the said extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved, as the case may be, to him, her or them respectively : and in all cases also where any owner or owners, lessee or lessees, party or person or persons, who may be interested in or entitled unto any lands, tenements, hereditaments or premises, not included within the limits of such public square or place, street, avenue, or part or section of a street or avenue, so to be opened, or such street or public place, so to be laid out and formed, or extended, enlarged or otherwise improved, but fronting or to front upon, or being within half the distance of, the next street or avenue thereto from the same, on either side thereof, will, in the opinion of the said commissioners, be benefitted by opening, laying out and forming, or extending, enlarging or otherwise improving the same, as the case may be, to estimate, assess and report, the value of such benefit to such owner or owners, lessee or lessees, parties and persons respectively, in respect to the said lands, tenements, hereditaments and premises, wherein he, she or they, may respectively be so interested, and in which said report the commissioners who shall make the same shall set forth the names of the respective owners, lessees, parties and persons, entitled unto or interested in the said lands, tenements, hereditaments and premises, mentioned in the said report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land, and of tenements, hereditaments and premises, that may be required for the purpose of opening such public square, place, street or avenue, or part or section of a street or avenue, so to be opened, or laying out and forming

or extending, enlarging or otherwise improving such street or public place, so to be laid out and formed, or so to be extended, enlarged or otherwise improved, as the case may be ; and also of the said respective lots or parcels of land, and other tenements, hereditaments and premises, not included within but deemed to be benefitted by the same, and so assessed by the said commissioners, for the said benefit as aforesaid ; and also the several and respective sums estimated and assessed as and for the compensation and recompence, or the allowance to be made for the loss and damage, or for the benefit, as the case may be, of the respective owners of the fee or inheritance of such said lands, tenements, hereditaments and premises respectively ; and for the loss and damage, or for the benefit, as the case may be, of the respective owners of the leasehold estates or other interests therein separately : but in all, and each and every case and cases where the owners and parties interested, or their respective estates and interests, are unknown or not fully known to the said commissioners, it shall be sufficient for them to estimate and assess, and to set forth and state, in their said report, in general terms, the respective sums to be allowed and paid to or by the owners and proprietors generally of such said lands, tenements, hereditaments and premises, and parties interested therein, for the loss and damage, or for the benefit and advantage, as the case may be, to such owners, proprietors and parties, interested in respect of the whole estate and interest, of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, by and in consequence of the said operation and improvement of opening, laying out and forming, or extending, enlarging or otherwise improving the said public square or place, street, avenue, or part or a section of a street or avenue, so to be opened, or so to be laid out and formed, or extended, enlarged or otherwise improved, as the case may be, without specifying the names, or the estates or interests, of such owners, proprietors and parties interested, or of any or either of them : and upon the coming in of the said report, signed by the said commission-

Report of the commissioners may be confirmed by the court or referred to the said commissioners for revival, or to new commissioners to be appointed

Report of commis's. who confirmed to be final and conclusive upon all parties.

ers, or any two of them, the said court shall, by rule or order, after hearing any matter which may be alleged against the same, either confirm the said report, or refer the same to the same commissioners for revision and correction, or to new commissioners, to be appointed by the said court to reconsider the subject matter thereof; and the said commissioners, to whom the said report shall be so referred, shall return the same report corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay; and the same, on being so returned, shall be confirmed, or again referred by the said court, in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the premises which the said court shall confirm: and such report, when so confirmed by the said court, shall be final and conclusive, as well upon the said mayor, aldermen and commonalty, of the city of New-York, as upon the owners, lessees, persons and parties, interested in and entitled unto the lands, tenements, hereditaments and premises, mentioned in the said report, and also upon all other persons whomsoever; and on such final confirmation of such report, by the said court, the said mayor, aldermen and commonalty, of the city of New-York, shall become and be seised in fee of all the said lands, tenements, hereditaments and premises, in the said report mentioned, that shall or may be so required for the purpose of opening the said public square or place, street or avenue, or part or section of a street or avenue, so to be opened, or for the purpose of laying out and forming the said street or public place, so to be laid out and formed, or for the purpose of extending, enlarging or otherwise improving the street or public place, so to be extended, enlarged or otherwise improved, as the case may be, the same to be appropriated, converted and used, to and for such said purpose accordingly; and then upon the said mayor, aldermen and commonalty or any person or persons acting under their authority, may immediately, or at any time or times thereafter, take possession of the same, or any part or parts thereof.

of, without any suit or proceeding at law for that purpose: *In trust nevertheless*, That the same be appropriated and kept open for or as part of a public street, avenue, square or place, forever, in like manner as the other public streets, avenues, squares and places, in the said city, are, and of right ought to be: *Provided*, That the said mayor, aldermen and commonalty, may permit any building, which shall be either partly or wholly included within the limits of any such street, avenue, public square or place, laid out in the said city by the commissioners of streets and roads, in the city of New-York, under and by virtue of the before mentioned act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," and so to be opened as aforesaid, to remain unremoved for such time or times as they shall think proper: *Provided also*, That it shall not be lawful for the said commissioners of estimate and assessment, to be appointed under and by virtue of this act, to allow any sum or compensation whatsoever for any building or buildings which at any time, subsequently to the filing of the maps mentioned in the fifth section of the said last mentioned act, may have been built, placed or erected, or which, at any time hereafter, may be built, placed or erected, in part or in whole, on any such street, avenue, public square or place, laid out by the said commissioners of streets and roads, in the city of New-York, under and by virtue of the said last mentioned act: *But provided further*, That compensation and recompence shall be made to the owners thereof, and parties interested therein, for all buildings and improvements erected, placed or made, wholly or in part, upon any part of any such street, avenue, square or public place, so to be opened at any time before the time of the filing of the maps aforesaid: *And further*, That it shall be lawful for the said commissioners of estimate and assessment, if they shall deem it just and equitable under the circumstances to do so, but not otherwise, to assess any part, not exceeding one-third part, of the estimated value of any such building or buildings, but not of any other improvement, upon the

and mayor, aldermen and commonalty of the city of New York, and the said Mayor, Aldermen and Commonalty, should be some person or persons, of the purpose of laying out and opening, or otherwise widening or otherwise improving any street, public place, or any part of the said city of New York, or of any of its streets, avenues, boulevards and public places, or the said commissioners of streets and roads of the city of New York, under and in virtue of the said last mentioned act, to remove any building or buildings, or any land, and may be lawful and it shall be the duty of the said commissioners of estimate and assessment, if their respective offices shall deem it equitable and just to do so, and not otherwise, to assess any part of the estimated value of such building or buildings, upon the said Mayor, Aldermen and Commonalty, or the city of New York, and provide also, That if any lands, tenements, hereditaments or premises, belonging to the said Mayor, Aldermen and Commonalty of the city of New York, or wherein they may be interested, shall be required for any of the purposes aforesaid, or shall be benefited by any such operation and improvement, as herein before mentioned, the said Mayor, Aldermen and Commonalty, shall be entitled to compensation and reimbursement for the loss and damage they may sustain, and shall be bound to allow and pay for the benefit and advantage they may be deemed to acquire thereby, in like manner as other owners and proprietors of lands and premises, required for the purpose of making the said operation and improvement, or deemed to be benefited thereby; and it shall be lawful for the said commissioners of estimate and assessment, and they are hereby directed, in each and every such case, to estimate and assess upon the principles, and in the manner herein aforesaid, and to report the sum or sums which, in their opinion, ought to be allowed and paid to or by the said Mayor, Aldermen and Commonalty, for the said loss and damage, or for the said benefit and advantage, as the case may be, to the said Mayor, Aldermen and Commonalty, by and in consequence of such said operation and improvement of opening the said public square, place, street, avenue, or part or section of a street or avenue,

so to be opened, or laying out and forming, or extending, enlarging or otherwise improving the said street or public place, so to be laid out and formed. or extended, enlarged or otherwise improved, as the case may be : *And provided also*, That it shall be lawful for the said mayor, aldermen and commonalty, at any time or times, either before or after the appointment of commissioners in the premises, for any of the purposes aforesaid, to agree with the owners, lessees, parties and persons, entitled unto or interested in the lands, tenements, hereditaments and premises, that either will be benefitted by, or may be required for the purpose of making the operation and improvement intended to be made, or with any or either of such owners or other parties interested therein, for and about the cession of the lands, tenements, hereditaments and premises, required of him, her or them respectively, for the purpose of making such said intended operation and improvement ; and for and about the compensation and recompence to be made to him, her or them, for the same ; or for and about the allowance, or sum or sums to be allowed and paid, by such owners and parties respectively, or by any or either of them, for the benefit and advantage of the public square, place, street, avenue, or part or section of a street or avenue, so to be opened, or the street or public place so to be laid out and formed, or the extension, enlargement or other improvement of the street or public place, so to be extended, enlarged or otherwise improved, to him, her or them, over and above the value of the lands, tenements, hereditaments and premises, that may be required, if any lands, tenements, hereditaments or premises, shall be required of him, her or them, for the purpose of opening, laying out and forming, or extending, enlarging or otherwise improving the same : and in case of any such agreement or agreements with part only of the said owners and parties entitled unto and interested in the said lands, tenements, hereditaments and premises, so required for the purpose of making any such operation and improvement as aforesaid, or to be benefitted thereby, the same shall be valid and binding upon the parties thereto, and the

Corporation
may agree
with owners
after the ap-
pointment of
commis'rs.

said commissioners shall nevertheless enter upon and make, or proceed with their said estimate and assessment, and make report to the said court as to the residue of the said lands, tenements, hereditaments and premises, required for the said purpose of making such said operation and improvement, or to be benefited thereby, concerning which the owners thereof and parties interested therein shall not agree; and the said report, when confirmed, shall be of like force and effect in regard to the matters comprised therein, as if no such agreement as to part of the premises had been made.

Duty of
commrs. in
cases where
parts of lots
only are re-
quired.

III. *And be it further enacted*, That it shall be lawful for the said commissioners, so to be appointed by the court aforesaid, for any of the purposes aforesaid, in all cases where part only of any lot or lots, or parcel or parcels of land, or of any other tenements, hereditaments or premises, shall be required for any of the aforesaid purposes, leaving a residue of such lot or lots, or parcel or parcels of land, or other premises belonging to the same owner or owners, or parties in interest, to whom the said part thereof, so required for such purpose, shall belong; and they, the said commissioners, shall deem it expedient and proper so to do, to include and comprise, in their said estimate and assessment, the whole or any part of such said residue of such lot or lots, or parcel or parcels of land, or other premises, along with the part of the same so required for the said purpose of the said intended operation and improvement, in like manner as if the said residue, or the part thereof so to be included in the said estimate and assessment, was required for the purpose of making the said operation and improvement so to be made: and all the said part and residue of the said lot or lots, or parcel or parcels of land, or other premises, so included in the said estimate and assessment, and not required for the purpose of making such said operation and improvement, shall, on the confirmation by the said court of the said report of the commissioners of such further report as may be made in the premises, become and be vested in the said mayor, aldermen and commonalty, of the city of New-York, and the

cessors, in fee simple, who may appropriate the same, or any part thereof, to public uses, and shall and may sell and dispose of the residue thereof, or the whole, in case of no appropriation of any part thereof, for public uses : *Provided,*

IV. *And be it further enacted,* That in case of the sale of the same, or any part thereof, the net money and proceeds arising and to be received therefrom, after deducting and paying the charges of such sale, and the proceedings and conveyance consequent thereon, shall be credited and allowed by the said mayor, aldermen and commonalty, towards and as part payment of the surplus, if any surplus there shall be, as the amount of the sums estimated and reported to be paid for damages by and in consequence of the making the said operation and improvement, in the said report mentioned, over and above the amount of the sums or assessments assessed and reported to be paid for the benefit and advantage thereof, to those who may be deemed to be benefitted thereby.

V. *And be it further enacted,* That in all cases where the whole of any lot or parcel of land, or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements, between landlord and tenant, or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report in the premises as shall be confirmed by the court aforesaid, respectively cease and determine, and be absolutely discharged; and in all cases where part only of any lot or parcel of land, or other premises, so under lease or other contract, shall be so taken for any of the purposes aforesaid, all contracts and engagements respecting the same shall, upon the confirmation of such report in the premises as shall be so confirmed as aforesaid, cease, determine and be absolutely discharged as to the part thereof so taken, but shall remain valid and obligatory as to the residue thereof; and the rents, considerations and payments, reserved or payable and to be paid for or in respect to the same, shall be so apportioned as that the

In cases of leased premises being taken, and the report of the comm'r. relative thereto being confirmed, the contracts between landlord and tenant shall cease and determine as to the premises taken.

said mayor, aldermen and commonalty, of the city of New-York : *And provided also*, That if it should become necessary, for the purpose of laying out and forming, or extending, enlarging or otherwise improving any street or public place, in any part of the said city of New-York, not laid out into streets, avenues, squares and public places, by the said commissioners of streets and roads, in the city of New-York, under and by virtue of the said last mentioned act, to remove any building or buildings, it shall and may be lawful to and for the said commissioners of estimate and assessment, at their discretion, if they shall deem it equitable and just to do so, but not otherwise, to assess any part of the estimated value of such building or buildings, upon the said mayor, aldermen and commonalty, of the city of New-York : *And provided also*, That if any lands, tenements, hereditaments or premises, belonging to the said mayor, aldermen and commonalty of the city of New-York, or wherein they may be interested, shall be required for any of the purposes aforesaid, or shall be benefitted by any such operation and improvement, as herein before mentioned, the said mayor, aldermen and commonalty, shall be entitled to compensation and recompence for the loss and damage they may sustain, and shall be bound to allow and pay for the benefit and advantage they may be deemed to acquire thereby, in like manner as other owners and proprietors of lands and premises, required for the purpose of making the said operation and improvement, or deemed to be benefitted thereby ; and it shall be lawful for the said commissioners of estimate and assessment, and they are hereby directed, in each and every such case, to estimate and assess upon the principles, and in the manner herein aforesaid, and to report the sum or sums which, in their opinion, ought to be allowed and paid to or by the said mayor, aldermen and commonalty, for the said loss and damage, or for the said benefit and advantage, as the case may be, to the said mayor, aldermen and commonalty, by and in consequence of such said operation and improvement of opening the said public square, place, street, avenue, or part or section of a street or avenue,

said, the respective person or persons, or party or parties, in whose favor the same shall be so reported, his, her or their, executors, administrators or successors, at any time or times after application first made by him, her or them, to the said mayor, aldermen and commonalty, in common council convened, for payment thereof, may sue for and recover the same, with lawful interest, from and after the said application therefor, and the costs of suit, in any proper form of action against the said mayor, aldermen and commonalty, in any court having cognizance thereof, and in which it shall be sufficient to declare generally, for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken for the purposes herein mentioned; and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general declaration, and this act, and the report of the said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action: *Provided,*

In case of neglect of parties entitled thereto may sue for the same.

VIII. *And be it further enacted,* That whenever the owners and proprietors of any such lands, tenements, hereditaments and premises, so to be taken for any of the purposes aforesaid, or the party or parties, person or persons, interested therein, or any or either or them, the said owners, proprietors, parties or persons, in whose favor any such sum or sums, or compensation, shall be so reported, shall be under the age of twenty-one years, non compos mentis, feme covert or absent from the city of New-York, and also in all cases where the name or names of the owner or owners, parties or persons, entitled unto or interested in any lands, tenements, hereditaments or premises, that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in the said report, or where the said owners, parties or persons respectively, being named therein, cannot, upon diligent enquiry, be found, it shall be lawful for the said mayor, aldermen and commonalty, to pay the sum or sums mentioned in the said report, payable, or that would be coming to such owners, proprietors, parties and

Proviso for cases in which owners of land under age, non compos mentis, femes covert, or absent from the city.

said commissioners shall nevertheless enter upon an make, or proceed with their said estimate and assessment, and make report to the said court as to the residue of the said lands, tenements, hereditaments or premises, required for the said purpose of making such said operation and improvement, or to be benefitted thereby, concerning which the owners thereof and parties interested therein shall not agree; and the said report, when confirmed, shall be of like force and effect in regard to the matters comprised therein, as if no such agreement as to part of the premises had been made.

Duty of
comm'rs. in
cases where
parts of lots
only are re-
quired.

III. *And be it further enacted*, That it shall be lawful for the said commissioners, so to be appointed by the court aforesaid, for any of the purposes aforesaid, in all cases where part only of any lot or lots, or parcel or parcels of land, or of any other tenements, hereditaments or premises, shall be required for any of the aforesaid purposes, leaving a residue of such lot or lots, or parcel or parcels of land, or other premises belonging to the same owner or owners, or parties in interest, to whom the said part thereof, so required for such purpose, shall belong; and they, the said commissioners, shall deem it expedient and proper so to do, to include and comprise, in their said estimate and assessment, the whole or any part of such said residue of such lot or lots, or parcel or parcels of land, or other premises, along with the part of the same so required for the said purpose of the said intended operation and improvement, in like manner as if the said residue, or the part thereof so to be included in the said estimate and assessment, was required for the purpose of making the said operation and improvement so to be made; and all the said part and residue of the said lot or lots, or parcel or parcels of land, or other premises, so included in the said estimate and assessment, and required for the purpose of making such said operation and improvement, shall, on the confirmation of the said court of the said report of the commissioners of such further report as may be made in the premises become and be vested in the said mayor, aldermen and commonalty, of the city of New-York, and their suc-

cessors, in fee simple, who may appropriate the same, or any part thereof, to public uses, and shall and may sell and dispose of the residue thereof, or the whole, in case of no appropriation of any part thereof, for public uses : *Provided,*

IV. *And be it further enacted,* That in case of the sale of the same, or any part thereof, the net money and proceeds arising and to be received therefrom, after deducting and paying the charges of such sale, and the proceedings and conveyance consequent thereon, shall be credited and allowed by the said mayor, aldermen and commonalty, towards and as part payment of the surplus, if any surplus there shall be, as the amount of the sums estimated and reported to be paid for damages by and in consequence of the making the said operation and improvement, in the said report mentioned, over and above the amount of the sums or assessments assessed and reported to be paid for the benefit and advantage thereof, to those who may be deemed to be benefitted thereby.

V. *And be it further enacted,* That in all cases where the whole of any lot or parcel of land, or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements, between landlord and tenant, or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report in the premises as shall be confirmed by the court aforesaid, respectively cease and determine, and be absolutely discharged; and in all cases where part only of any lot or parcel of land, or other premises, so under lease or other contract, shall be so taken for any of the purposes aforesaid, all contracts and engagements respecting the same shall, upon the confirmation of such report in the premises as shall be so confirmed as aforesaid, cease, determine and be absolutely discharged as to the part thereof so taken, but shall remain valid and obligatory as to the residue thereof; and the rents, considerations and payments, reserved or payable and to be paid for or in respect to the same, shall be so apportioned as that the

In cases of leased premises being taken, and the report of the commissioners relative thereto being confirmed, the contracts between landlord and tenant shall cease and determine as to the premises taken.

and assessment fairly and impartially, according to the best of their skill and judgment; and the said freeholders, or any two of them, after having made such estimate and assessment, shall certify the same and make a return thereof in writing to the said mayor, aldermen and commonalty; in common council convened, and the same, when ratified and confirmed by the said common council, shall be binding and conclusive upon the parties and persons so to be assessed respectively, and upon all other persons whomsoever: *Provided however,* That no part of such said monies so to be estimated and assessed by the said assessors, shall be assessed upon any party or person whomsoever, for or on account of any lands, tenements, hereditaments or premises included in the aforesaid report of the commissioners of estimate and assessment, and by them made the subject of their said estimate and assessment; but if any such party or person shall be entitled unto or interested in any other lands, tenements, hereditaments or premises not included in the said report, that may be deemed to be benefitted as aforesaid, such party or person shall be assessed therefor in proportion to the advantage deemed to be acquired in respect to the same.

Sum assessed shall be a lien on the premises so assessed.

X. *And be it further enacted,* That as well the respective sums so to be assessed by the said assessors upon the owners, occupants and parties seized or possessed of, or interested in the lands, tenements, hereditaments and premises mentioned in the said certificate and return of them, the said assessors, as also the respective sums or assessments so to be assessed and reported by the said commissioners of estimate and assessment as and for the allowance to be made by the parties and persons respectively in the said report mentioned or referred to, and intended as owners and proprietors of or parties interested in lands and premises deemed to be benefitted, for the benefit and advantage of the public square or place, street, avenue or part or section of a street or avenue, or of the extension, enlargement or other improvement of the street or public place mentioned in the said report shall be a lien or charge on the lands, tenements, her-

ditaments and premises in the said certificate and return of the said assessors, or in the said report of the said commissioners mentioned, or upon the estate and interest of the respective owners, lessees and parties interested in such said lands, tenements, hereditaments and premises for or on account of which the said respective sums shall be so assessed by the said commissioners or assessors as the case may be, upon the said respective owners and proprietors thereof, or parties interested therein, and as well the said owners and proprietors thereof and parties interested therein, and also the occupants and each and every of them shall moreover be respectively liable to pay on demand the respective sum or sums, or assessments mentioned in the said certificate and return of the assessors, or in the said report of the commissioners as the case may be, at which the respective lands, tenements, hereditaments and premises so owned or occupied by him, her or them, or wherein he, she or they are so interested, or at which the owners and proprietors thereof shall be so assessed, to such person or persons as the said mayor, aldermen and commonalty shall appoint to receive the same; and in default of payment of the same, or of any part thereof, it shall be lawful for the said mayor, aldermen and commonalty, or any five of them, of whom the mayor or recorder shall be one by warrant, under their hands and seals, to levy the same, with lawful interest thereon, from and after the expiration of thirty days from the time of the confirmation of the said report of the commissioners by the court, or of the said return of the assessors by the common council as the case may be, and together also with all the charges and expenses of the proceedings to be had for the collection thereof by distress and sale of the goods and chattles of such owner or owners, occupant or occupants, or party or parties interested so refusing or neglecting to pay the same, rendering the overplus, if any overplus there shall be, after deducting all just charges, to such owner or owners, occupant or occupants, or party or parties interested, or the said respective sums or assessments, with such lawful interest as aforesaid, may be recovered, with all costs and

On default of payment the same may be levied by distress and sale

Proviso.

charges, by the said mayor, aldermen and commonalty, from and against the parties assessed, or the owner or owners of the respective lands, tenements, hereditaments and premises whereon or in respect of which the same may be assessed or set forth in the said report of the commissioners or return of the assessment as the case may be, or from or against any or either of the said parties or owners, without joining any other or others of them the said parties or owners therein, by action of debt or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this act to the said mayor, aldermen and commonalty, and any matter may be given in evidence under such general declaration: *Provided*, That nothing herein contained shall affect any agreement between landlord and tenant, or any other contracting parties respecting, the payment of any such assessment or charges, but they shall be answerable to each other in the same manner as if the provisions in this act contained concerning the same, had never been made; and if any money so to be assessed be paid by or collected or recovered from any person or persons, when by agreement or by law the same ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same, or from whom the same shall be recovered by distress, suit or otherwise, to sue for and recover the money so paid by or recovered from him or them, with interest and costs, as so much money paid for the use of the person or persons who ought to have paid the same, and the said report of the commissioners, with proof of payment, shall be conclusive evidence in such suit.

Vacancies in the offices of commissioners may be filled by the corporation.

XI. *And be it further enacted*, That in case of the death, resignation or refusal to act of any such commissioner of estimate and assessment to be appointed under and by virtue of this act, for any such aforesaid purpose, it shall and may be lawful for the court aforesaid, or any one of the justices thereof, on the application of the mayor, aldermen and commonalty of the city of New-York, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the United States, in the place and stead of

such commissioner so dying, resigning or refusing to act, and that the surviving or acting commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment, until a successor of the commissioner so dying, resigning or refusing to act, shall be appointed.

XII. *And be it further enacted*, That in all and every case of the appointment of commissioners by the court aforesaid, for any of the purposes aforesaid, it shall be competent and lawful for any two of such said commissioners so to be appointed, to proceed to and execute and perform the trusts and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners, so to be appointed for such said purpose, if they had acted therein, would have been: *And further*, That in all cases the acts, decisions and proceedings, of the major part of such of the commissioners to be appointed for any of the purposes aforesaid, as shall be acting in the premises, shall always be as binding, valid and effectual, as if the said commissioners, named and appointed for such purpose, had all concurred and joined therein.

Any two of the commissioners shall be competent to act

XIII. *And be it further enacted*, That the commissioners to be appointed under and by virtue of this act, for any of the purposes aforesaid, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, surveys and plans, clerk-hire and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, the same to be paid by the mayor, aldermen and commonalty, of the city of New-York, and included in the before mentioned assessment upon the persons and parties deemed to be benefitted by the operation and improvement which shall have occasioned the appointment of the said commissioners.

Compensation of the commissioners

XIV. *And be it further enacted*, That the ninth, tenth and eleventh sections, of the before mentioned act, entitled "an act relative to improvements touch-

Part of a former act relative to streets, &c. repealed.

ing the laying out of streets and roads in the city of New-York, and for other purposes," passed the 3d day of April, 1807, be and hereby are repealed.

Debts contracted under the same may be funded.

XV. *And be it further enacted*, That all debts and expenses incurred by the said mayor, aldermen and commonalty, for or on account of the opening of any street, avenue, square or public place, or any particular part or section of any street or avenue, laid out by the said commissioners of streets and roads in the city of New-York, under and by virtue of the act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807, may be funded at such interest, in like manner and under the same limitations and restrictions, as is authorised by the act, entitled "an act to regulate the finances of the city of New-York," passed the 8th day of June, 1812.

This a public act.

XVI. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be favorably and liberally expounded and construed to advance the end thereof.

CHAP. CLXXV.

An ACT to incorporate the Stockholders of the City Bank of New-York.

Passed June 16, 1812.

Preamble.

WHEREAS Grove Wright and others, associated as a company, under the style of the City Bank of New-York, by their petition presented to the Legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution: Therefore,

Company incorporated

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons as now are or hereafter shall be stockholders of the said company, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of July, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in

name, by the name of "the President, Directors and Company, of the City Bank of New-York," and by that name they and their successors, until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of "the president, directors and company, of the city bank of New-York," shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation.

Their style,
&c.

II. *And be it further enacted*, That the capital stock of the said corporation shall be two millions of dollars, and that a share in the stock shall be fifty dollars, and that subscriptions to the said capital stock may be kept open, under the direction of the president and directors, until the whole sum of two millions of dollars shall be subscribed.

Amount of
stock.

1500,000.

1500,000.

III. *And be it further enacted*, That the president, directors and company, of the said bank, shall pay to the treasurer of this state, for the use and benefit of common schools, one hundred and twenty thousand dollars, in six equal annual payments, the first payment to be made on the first day of May next, and in default of either of the said payments, this act to be null and void.

120,000 dollrs.
to be paid to
the state.

IV. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by fifteen directors, being stockholders and citizens of this state, which directors shall hold their offices for one year, from the first day of July in every year, and shall be elected on the first Tuesday of June, in every year, at such time of the day, and at such place, within the city of New-York, as a majority of the said directors for the time being shall appoint; and public notice shall be given by the

Number of
directors
shall be 15.

1500,000.

Elections
when held,
and how to
be conducted

1500,000.

ing the laying out of streets and roads in the city of New-York, and for other purposes," passed the 3d day of April, 1807, be and hereby are repealed.

Debts contracted under the same may be funded.

XV. *And be it further enacted,* That all debts and expenses incurred by the said mayor, aldermen and commonalty, for or on account of the opening of any street, avenue, square or public place, or any particular part or section of any street or avenue, laid out by the said commissioners of streets and roads in the city of New-York, under and by virtue of the act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807, may be funded at such interest, in like manner and under the same limitations and restrictions, as is authorised by the act, entitled "an act to regulate the finances of the city of New-York," passed the 8th day of June, 1812.

This a public act.

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Company incorporated

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all such persons as now are or hereafter shall be stockholders of the said company, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of July, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved; ~~but that~~ it shall and may be lawful, on any other day, to hold an election for directors, in such manner as shall be provided by the laws and ordinances of the said corporation.

Corporation not to be dissolved for not making election on the day appointed.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper, touching the government of the said corporation; the management and disposition of the stock, business, property, estate and effects, of the said corporation; the duties and conduct of the officers, clerks and servants, employed therein; the election of directors, and all such other matters as may appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, That such bye-laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state.

Directors may make bye-laws.

Provide.

VII. *And be it further enacted*, That no transfer of stock of the said company shall be valid or effectual, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors.

No transfer valid unless registered.

VIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal,

Debts not to exceed three times the amount of capital.

which they may hold as a body corporate, from also being liable for and chargeable with such excess, but such directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was contracted, shall not be liable. *Provided however*

Lands, tenements &c. on what condition to be held.

IX. *And be it further enacted,* That the lands, tenement and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And further,* That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Bills obligatory, &c. to be negotiable.

X. *And be it further enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable, by endorsement thereupon, under the hand or hands of such person or persons, his, her or their, assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee and assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their, own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their, private or natural capacity or capacities, and shall be assignable

and negotiable in like manner as if they were so issued by such private person or persons.

XI. *And be it further enacted,* That it shall be lawful for the directors for the time being to call and demand of the stockholders or subscribers respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments thereon, to the said corporation; always, however, giving at least thirty days previous notice of such call and demand, in two or more of the public newspapers published in the city of New-York.

Directors may demand monies subscribed.

XII. *And be it further enacted,* That each stockholder shall be entitled to one vote on each share which he shall have held in his own name at least fourteen days previous to the time of voting.

Each share to have one vote,

XIII. *And be it further enacted,* That it shall be the duty of the directors to make half-yearly dividends of so much of the profits of the said corporation as to them, or a major part of them, shall seem advisable; and that every cashier and clerk, before he enters upon the duties of his office, shall give a bond, with two or more sureties, to be approved by the directors for the time being, or a majority of them, in a sum not less than twenty thousand dollars for such cashier, and four thousand dollars for each clerk, conditioned for the faithful discharge of their several services.

Half-yearly dividends to be made.

Cashier and clerks shall give security

XIV. *And be it further enacted,* That the said bank shall be established in the city of New-York, and no branch or branches thereof shall be established in any other part of this state.

Bank to be established in the city of N. York.

XV. *And be it further enacted,* That this act be, and it is hereby declared to be a public act, and that the same shall be, for the time herein before limited, construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

This is a public ac .

CHAP. CLXXVI.

An ACT for the Relief of the Oldenbarneveld Manufacturing Society, and for other purposes.

Passed June 16, 1812.

Preamble.

WHEREAS the Oldenbarneveld manufacturing society have, by their petition, represented to the Legislature, that they have expended large sums of money in the establishing a woollen manufactory at Trénton, in the county of Oneida, and that they have not the means of completing their said manufactory in a manner useful to themselves and to the public, and pray for a loan of money to complete the works already commenced—

5000 dolls.
loaned to the
Oldenbarne-
veld society.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the comptroller be and he hereby is authorised to loan to the Oldenbarneveld manufacturing society five thousand dollars, out of the first money in the treasury arising from the school fund, at the rate of seven per centum per annum: *Provided,* That the said society shall secure, or cause to be secured, the said sum of money to the people of the state of New-York, by a sufficient bond or bonds, conditioned for the annual payment of the interest, and for the repayment of the principal in five years; and shall also secure, or cause to be secured, the said payments by a mortgage or mortgages of unincumbered real estate, within this state, of double the value, exclusive of buildings thereon, to be approved of by the comptroller.

To the Clin-
ton woollen
society 4000
dolls.

II. *And be it further enacted,* That the comptroller be and hereby is authorised to loan to the Clinton woollen manufacturing society the sum of four thousand dollars, out of the first monies in the treasury arising from the school fund, at the rate of seven per centum per annum: *Provided,* That the said society shall secure, or cause to be secured, the said sum of money to the people of the state of New-York, by a sufficient bond or bonds, conditioned for the annual payment of the interest, and for the repayment of the principal in five years; and shall also further secure, or cause to be secured, the said payments, by a

gage or mortgages of unincumbered real estate, of double the value, exclusive of buildings thereon, lying within this state, to be approved of by the comptroller.

III. *And be it further enacted*, That the comptroller be and he is hereby authorised to loan to Samuel Culbertson and Joseph Blount the sum of two thousand dollars, out of the first monies in the treasury arising from the school fund, at the rate of seven per centum per annum : *Provided*, That said Samuel Culbertson and Joseph Blount shall secure the said sum of money to the people of the state of New-York, by a sufficient bond, conditioned for the annual payment of the interest, and the repayment of the principal in five years ; and shall also further secure the said payments by a mortgage on unincumbered real estate, of double the value, exclusive of buildings thereon, lying within this state, to be approved of by the comptroller.

To S. Culbertson and J. Blount
3000 dolls.

IV. *And be it further enacted*, That the comptroller be and he is hereby authorised to loan to Truman Beers and Giles Humaston the sum of four thousand dollars, out of any money in the treasury arising from the school fund, at the rate of seven per centum per annum : *Provided*, That said Truman Beers and Giles Humaston shall secure the said sum of money to the people of the state of New-York, by a sufficient bond, conditioned for the annual payment of the interest, and for the repayment of the principal in five years ; and shall also further secure the said payments by a mortgage on unincumbered real estate, of double the value, exclusive of buildings thereon, lying within this state, to be approved of by the comptroller.

To T Beers and G. Humaston 4000 dolls.

V. *And be it further enacted*, That the comptroller be and he is hereby authorised to loan to the trustees of the Mohawk factory the sum of three thousand dollars, out of any money in the treasury arising from the school fund, at the rate of seven per centum per annum : *Provided*, That said trustees of the Mohawk factory shall secure, or cause to be secured, the said sum of money to the people of the state of New-York, by a sufficient bond, conditioned for the annual payment of the interest, and for the repayment of the prin-

To the Mohawk factory
3000 dolls.

cipal in five years ; and shall also further secure, or cause to be secured, the said payments by a mortgage on unincumbered real estate, of double the value, exclusive of buildings thereon, lying within this state, to the satisfaction of the comptroller.

CHAP. CLXXVII.

An ACT relative to the lots appropriated for the support of the Gospel and Schools. on the Twenty Townships west of the Unadilla river, in the counties of Chenango, Madison and Oneida, and for other purposes.

Passed June 16, 1812.

Preamble.

WHEREAS it is represented to the legislature by Andrew P. Lord and nineteen others, agents appointed at the annual town-meeting, in the several towns comprising the twenty townships west of the Unadilla river, in the counties of Chenango, Madison and Oneida, that the surveyor-general, by virtue of the act of the legislature of the 11th of April, 1808, laid out forty lots (being two lots for each township) of two hundred and fifty acres each, on a certain tract of land then lately purchased of the Oneida Indians, south of and adjoining the Oneida Lake, for the support of the gospel and of schools on said twenty townships, but that the benevolent intentions of the legislature cannot be realised by reason that the said forty lots are appropriated generally for the benefit of said twenty townships, without any designation what lots shall be particularly appropriated to each of said townships, and also by reason that there are no agents appointed to take the care of said lots and prevent trespasses thereon ; to remedy which,

Each town shall elect an agent.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That the inhabitants of the towns comprising any of said townships, shall, every year at their annual town-meeting, elect an agent residing on each of the townships contained in said town ; and if any of said townships are divided by the division line of a town, the inhabitants

of the town containing the largest part of such township, shall elect such agent, and it shall be the duty of ^{their duty.} the agents so to be elected to meet at the village of Sherburne on the last Tuesday of March in each year, and by a plurality of votes of said agents so assembled, to choose three commissioners to take the charge and care of the aforesaid lots, and if in their opinion it shall be for the best interest of such townships to lease the said lots, or any one or more of them, for a term not exceeding seven years, reserving a rent to said commissioners and their successors; and said commissioners are hereby authorised and empowered, in their official names, to commence actions and prosecute the same to final judgment and effect, against all and every person and persons trespassing upon said lots, or any of them, and also in their official names to bring actions of ejectment, and prosecute the same to final judgment and effect against all and every person and persons intruding on said lots, or any of them; and John W. Bulkley, Andrew P. Lord and Amos Maynard are hereby appointed commissioners, to continue until others shall be appointed by the agents of the said townships as abovementioned, and until such appointment are hereby invested with all the rights, powers and duties above granted and required of the commissioners to be appointed by said agents: *Provided*, ^{Provide.} That if any of the said lots of land shall be occupied and improved at the time of passing this act to the value of twenty-five dollars, the occupant of such improvement shall be entitled to receive the value thereof, in the same manner as is provided in and by the eighth section of the act entitled "an act for the sale of unappropriated land, and for other purposes," passed the 6th day of April, 1803; and the agents appointed by this act, and their successors in office, shall be considered as the purchasers of said land for all the purposes mentioned in said eighth section of the act aforesaid, and that the said occupants shall not be dispossessed of said improvements until they shall have been paid for the same.

II. *And be it further enacted*, That if said agents, or a majority of them, assembled at their annual meet-

**Lots how to
be divided.**

ing as aforesaid, shall direct a division to be made of the said lots among said townships, it shall be the duty of the said commissioners to divide said lots to said townships agreeable to and in the manner directed by said agents, giving to each of said townships two of said lots, and having said division of lots to each township, as nearly as possible of an equal value ; and after said lots are so divided, the said commissioners shall cause a description or memorandum of said division to be made and signed by them, and they, or one of them, shall acknowledge the same before some person authorised to take the acknowledgment of deeds, who shall certify such acknowledgment : and said commissioners shall cause such memorandum to be recorded in the office of the clerk of the county of Madison ; and the said lots shall forever thereafter belong solely to the inhabitants of the township to which they shall severally be allotted by said commissioners, for the support of the gospel and schools in such township. And after such division the power of said commissioners shall cease ; and the agents of the several townships shall thereafter have severally the charge and care of the said lots belonging to their respective townships, with all the power, rights and duties, so far as respects the lots under their care respectively, as is by this act given to said commissioners over said lots,

**Commission-
ers to ac-
count annu-
ally.**

III. *And be it further enacted,* That the aforesaid commissioners shall account annually with the supervisors of the several towns comprehending said township, at the annual meeting of the supervisors for said several counties, for all monies by them received by virtue of this act, and shall pay over to the supervisor of each of said towns such part of said monies as shall be in the same proportion to the whole monies received, as the part of said townships, comprehended in said town, shall be to the said twenty townships. And the said agents and the said supervisors shall apply said monies by them respectively received, to the support of common schools in said townships respectively, in such manner as shall be directed by vote of the inhabitants of the several towns comprehending said townships, at their annual town-meeting.

**Monies how
to be applied**

IV. *And be it further enacted*, That it shall be lawful for the inhabitants of said several townships, at their annual town-meeting, to order and direct their said agent to sell the lots belonging to such townships respectively; and it shall be the duty of such agent so to do; and said agents are hereby severally empowered to sell said lots according to the directions of the inhabitants of said townships respectively, and to give deeds to the purchaser or purchasers, and to receive the money on said sale, and also to receive security, by bond and mortgage, for said purchase money. And said agents shall hold said money and securities by them received, subject to the order of said inhabitants in said respective townships in town-meeting assembled, for the support of common schools in said townships.

Lots may be sold.

V. *And be it further enacted*, That the supervisors of the aforesaid several counties, at their annual meeting, shall audit the accounts of said commissioners and agents, and shall allow them a reasonable sum for their services and expenses in discharging the duties required of them by this act, and shall cause the same to be collected of the inhabitants of the several towns comprehending any part of said townships in a direct proportion to the quantity of territory to be benefited by this act, and comprehended in said several towns.

Accounts of commissioners how to be audited.

And WHEREAS John Cooper, one of the trustees of the associate reformed church in the town of Stirling, hath, in behalf of himself and the other trustees of the said church, represented to the legislature that the lot in said town, set apart for gospel and schools, is at a place so remote from the settlements of their church and society, that it is very inconvenient for them to improve said lot for any of the beneficial purposes originally intended, and have therefore prayed that lot number seventeen, one of the lots belonging to the people of this state should be appropriated to gospel and school purpose: Therefore,

VI. *Be it further enacted*, That lot number seventeen, in the said township of Stirling, shall be and is hereby appropriated and set apart for the use of gospel

Lot No. 17 in Stirling set apart for gospel and schools.

Proviso.

and schools in said township, instead of lot number seventy three, and that the said lot number seventy-three shall remain to be disposed of as other unappropriated lots in said town, any former law or any survey of said township of Stirling to the contrary notwithstanding; *Provided*, That nothing herein contained shall be construed or taken to give any exclusive right to the said church and society to the title of said lot number seventeen, but the same shall remain in the same manner as the said lot number seventy-three was before the passing of this act.

CHAP. CLXXVIII.

An ACT authorising the Supervisors of the County of Ontario to raise money to build a gaol, and for other purposes.

Passed June 16, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful, and it is hereby made the duty of the board of supervisors of the county of Ontario, at their annual meeting in October next, to cause to be levied and raised on the freeholders and inhabitants of said county the sum of three thousand dollars, (and the additional sum of five cents on each dollar for the collection thereof) for the use and purpose of building a gaol in said county, in conformity to an act for that purpose, passed the ninth day of March, 1810.

II. *And be it further enacted*, That the third section of an act in addition to an act, entitled "an act to build a bridge across Genesee river," passed the 26th of May, 1812, be and the same is hereby repealed.

CHAP. CLXXIX.

An ACT appointing Commissioners to lay out a road from the village of Newtown, in the county of Tioga, to the village of Ithaca, in the county of Seneca, and for other purposes.

Passed June 16, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That Archer Green, of the village of Ithaca, in the county of Seneca, Ebenezer Sayre, of the town of Elmira, and Elijah S. Hinman, of the town of Catharine, in the county of Tioga, be and they are hereby appointed commissioners to explore and lay out in the most direct and practicable route, a road from the village of Newtown, in the county of Tioga, to the village of Ithaca, in the county of Seneca.

Commissioners to lay out the road.

II. *And be it further enacted,* That it shall and may be lawful, and it is hereby made the duty of the treasurer of the county of Tioga, to pay unto the above named commissioners one half of the monies which shall come into the treasury of the said county of Tioga, from taxes imposed upon the lands of non-residents, situate in the respective towns in the said county of Tioga, through which the said road shall be laid out, for two years next after the passing of this act, as soon as the same shall come into his hands: *Provided,* that the said commissioners shall previously have executed to the said treasurer a bond conditioned faithfully to expend, pursuant to the provisions of this act, all such sums of money as shall come into their hands by virtue of this act, and to account with the said treasurer for the same whenever they shall be required to do so.

Treasurer of Tioga to pay them certain monies.

Provided.

III. *And be it further enacted,* That it shall and may be lawful for the said commissioners to expend all such sums of money as they shall receive by virtue of this act, in laying out and improving said road.

IV. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay unto P. Catlin, or his order, such sum as the comptroller shall be satisfied to be due him as commissioner for

P. Catlin to be paid a balance due him.

improving the road from Wattles's Ferry to the head of the Seneca Lake.

Lines between certain towns in Tioga how to be designated.

V. *And be it further enacted*, That the supervisors of the several towns in the county of Tioga, are hereby authorised and directed to appoint suitable persons to run and designate the lines between said towns: and it shall be the duty of the said supervisors to raise the money necessary and to defray the expense of running said lines by a tax on said town.

Maps of a certain road may be altered.

VI. *And be it further enacted*, That it shall and may be lawful for the commissioners appointed in and by the act, entitled "an act to authorise the laying out a road therein mentioned," passed the fourth day of April, 1811, or any two of them, to alter and amend the maps filed in pursuance of the said act so as to make the said maps truly designate the route of the road laid out by virtue of the said act, and to designate on the said maps the courses and distances of the said road, and that when the said maps shall be so amended and filed, each of them shall be conclusive evidence of the route of the said road.

CHAP. CLXXX.

An ACT *for the relief of the heirs and representatives of Nathan Spalding, deceased.*

Passed June 16, 1812.

WHEREAS Robert Burch, administrator of all and singular the goods and chattles, rights and credits of Nathan Spalding, late of the town of Schuyler, in the county of Herkimer, deceased, hath, by his petition, represented to the legislature that the said Nathan Spalding died intestate in the year one thousand eight hundred and eleven, leaving three infant children sole heirs to his estate, to wit: Maria, aged eight years; Ambrose, aged four years; Alatheia, aged six years; that the said Nathan died seized of about three acres of land in fee, with some buildings thereon, all situated in the town of Schuyler aforesaid; and it appearing that the sale of the said premises would be advantageous to those interested therein: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That* Robert Burch be and is hereby appointed trustee with full power and authority to grant, bargain and sell all the aforesaid real estate of said Nathan Spalding, for the greatest sum he can obtain for the same, and to make and execute to the purchaser or purchasers thereof, good and sufficient deeds and conveyances in the law for the same, and to put out the money arising from such sale at interest, under the direction of the chancellor of this state, for the support and maintenance of the aforesaid children of said Nathan Spalding: And when the said children shall severally arrive at the age of twenty-one years, to pay over to each of the said children an equal share and proportion of the principal.

II. *And be it further enacted, That* the said Robert Burch shall, before he enters on the execution of the said trust, execute a bond to the said children, with two sufficient sureties to be approved of by the chancellor, in such sum as the chancellor shall deem proper conditioned, for the due and faithful execution of said trust, and to render his account thereof to the chancellor of this state when thereunto required.

III. *And be it further enacted, That* if said Robert Burch shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor to appoint another trustee in his stead, who shall, in all respects, conform to the requisitions of this act.

CHAP. CLXXXI.

An ACT for the relief of the heirs and representatives of Joseph Williams, deceased.

Passed June 16, 1812.

WHEREAS the heirs and representatives of Joseph Williams have presented their petition to the legislature, setting forth that Joseph Williams died seized and in possession of a certain farm of about fifty acres of land, in the town of Newburgh, in the county

of Orange, and praying to be enabled to sell the same : and whereas it appears from the facts set forth in the petition, that the sale thereof will be beneficial to those who are interested therein : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Leonard Smith and Susan Smith, his wife, be and they are hereby appointed trustees, with full power to grant, bargain and sell the said premises, and that they may execute good and sufficient deeds and conveyances in the law for the same to the purchase or purchasers thereof.

II. *And be it further enacted,* That the said trustees shall cause the proceeds of the said sale to be put out at interest, under the direction of the chancellor of this state, on good and sufficient security, or vested in the public debt of the United States, or in any of the incorporated banks of this state, and shall apply the interest and income thereof toward the support and education of the children of the said Joseph Williams : and when as the said children shall arrive at the age of twenty-one years respectively, the said trustees shall pay the principal to the said children, in equal proportions, and share and share alike.

III. *And be it further enacted,* That the said trustees, before they enter on the execution of the said trust, shall execute a bond to the said children, with two sureties, to be approved by the chancellor, in such sum as the said chancellor shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the register or assistant register of the court of chancery, for the use of the said children.

IV. *And be it further enacted,* That in case the said trustees, or any of them, shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor to appoint other trustees in their stead, who shall, in all respects, conform to the directions of this act.

CHAP. CLXXXII.

An ACT *for the Relief of the Heirs and Representatives of Stephen Ward, deceased.*

Passed June 16, 1812.

WHEREAS the widow and heirs of Stephen Ward, deceased, have presented their petition to the Legislature, setting forth that the said Stephen Ward, deceased, died intestate, seised and in possession of certain land and real estate in the town of Duaneburgh, in the county of Schenectady, in this state, and praying that a law may be passed authorising and directing a sale of the said land and real estate, and the proceeds thereof to be disposed of, appropriated and paid unto and amongst the persons interested in the said land and real estate, according to their respective estates and interest therein: And whereas it appears from the facts set forth in the said petition, that the sales of the said premises will be beneficial to those who are interested therein: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Catharine Ward, the widow, and Stephen Ward and David Ward, sons of the said Stephen Ward, deceased, be and they are hereby appointed trustees, with full power to them, or any two of them, to grant, bargain and sell, the said land and real estate whereof the said Stephen Ward, deceased, died seised and in possession, and to execute to the purchaser or purchasers thereof good and sufficient deeds and conveyances for the same.

II. *And be it further enacted,* That the said trustees shall cause one-third part of the proceeds of the said sale, after deducting their reasonable costs and charges, to be put out at interest, on good and sufficient security, or vested and placed in and upon some good productive stocks or funds, of a permanent nature, and shall permit and suffer the said Catharine Ward, the widow of the said Stephen Ward, deceased, to receive the interest and income thereof, and pay over such parts of the same as shall come to their hands, to her during the term of her natural life, in lieu of her dower and

right of dower of and in the said land and real estate so to be sold as aforesaid ; and upon her decease, the principal monies to be divided and paid unto and among the heirs of the said Stephen Ward, deceased, or their respective guardians, executors, administrators or assigns, in such shares and portions as the said heirs are now entitled unto and interested in the said land and real estate so to be sold.

III. *And be it further enacted*, That the said trustees shall distribute, divide and pay, the remaining two-third parts of the monies and proceeds to arise and be made by such sale, after deducting their reasonable costs and charges, unto and among the said heirs of the said Stephen Ward, deceased, or the respective guardians of such of them as may be in minority, according to their respective estates and interest in the said land and real estate so to be sold, the portions of the minors respectively, and the incomes thereof, or so much of the same, as well principal as interest, as may be necessary for that purpose, to be applied in or towards the maintenance and education of such minor or minors respectively, during minority, and the same to be accounted for ; and, after allowance and deduction made of the sum or sums, if any, that may be expended and disbursed for the purposes aforesaid, paid over to such minor or minors respectively, at his or her respective age or ages of twenty-one years.

IV. *And be it further enacted*, That the said trustees, before they enter upon the execution of the said trust, shall execute a bond to the people of this state, with such surety or sureties, and in such sum as the chancellor of this state shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the register or assistant-register of the court of chancery, for the benefit and use of the said widow and heirs of the said Stephen Ward, deceased.

V. *And be it further enacted*, That the said widow of the said Stephen Ward, deceased, before she shall be entitled to receive any part of the aforesaid interest made payable to her during life as aforesaid, shall execute to the purchaser or purchasers, their heirs and

signs, a release of her dower and right of dower in and to the premises so sold.

VI. *And be it further enacted*, That in case the said trustees, or any or either of them, shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor to appoint other trustee or trustees in his, her or their, place and stead, who shall in all respects conform to the directions of this act.

CHAP. CLXXXIII.

An ACT for fixing the Boundary Line between the Towns of Stratford and Salisbury, in the County of Montgomery.

Passed June 16, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the middle of East Canada creek shall be considered as the division line between the towns of Stratford and Salisbury, in the county of Montgomery, as far as the said towns are separated by the said creek.

CHAP. CLXXXIV.

An ACT to amend an Act, entitled "*An Act to improve the Police of the City of New-York, and for other purposes.*"

Passed June 18, 1812.

WHEREAS disorderly persons, committed as such to the bridewell of the city of New-York, frequently are desirous to be discharged upon their finding surety for their leaving the state, and not returning within a certain given time: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall and may be lawful for the mayor or recorder, or either of the special justices for preserving the peace in the city of New-York, to discharge any such disorderly person, on his or her entering into a bond or recognizance,

Preamble.

Disorderly persons, how discharged.

with such security and to such an amount as may be deemed proper, (but if not thought necessary may be dispensed with) to the mayor, aldermen and commonalty, of the city of New-York, conditioned that such disorderly person shall leave the state within a given time, and not return again within a certain given time, to be specified in such bond or recognizance, and also to be of good behaviour during the time he or she shall remain in the said city previous to his or her leaving the same.

Bonds where
to be lodged.

II. *And be it further enacted*, That all such bonds or recognizances entered into as aforesaid, shall be lodged in the office of the clerk of the said city of New-York, and on a breach of the condition thereof, it shall be lawful to sue and recover on any such bond or recognizance, in any court having cognizance thereof.

Additional
powers vested
in the
special justices.

III. *And be it further enacted*, That the said special justices shall, by virtue of their said office, have and exercise the like powers as may be lawfully exercised out of the sessions by the aldermen of the said city, in relation to offences against the act, entitled "an act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned, in the cities of New-York, Albany and Hudson, and the township of Schenectady," passed 24th March, 1787."

They shall
account for
goods, &c.
remaining in
the police
office.

IV. *And be it further enacted*, That it shall be the duty of the said special justices, on the first Monday in January and July in each and every year, to account, upon oath, before the mayor, or in his absence the recorder, of the said city, for all such monies, goods, wares and merchandizes, as shall then be remaining unclaimed in the police office; and immediately thereafter to give public notice for six weeks, in one of the papers printed in the city of New-York, to all persons interested in or claiming the said property, to make proof thereof on or before a day therein to be named.

Their duty
respecting
intestate's
property.

V. *And be it further enacted*, That of any person intestate, not leaving of kin of competent age, within the six months after his death, upon themselves the administration of the same.

oath
next
take
have

als and credits, of such intestate, as may be within the said city, it shall and may be lawful for the said special justices, or either of them, to take such measures as they, or either of them, shall think proper, for guarding and securing the property and effects of such intestate from embezzlement, until administration thereof shall be granted to the chamberlain of the city of New-York, the expenses whereof shall be paid by the said administrator in preference to any debts whatsoever, and immediately after the funeral charges of the intestate shall be discharged.

VI. *And be it further enacted*, That the sixth and fifteenth sections of the act, entitled "an act to improve the police of the city of New-York, and for other purposes," passed April 9th, 1811," shall be and hereby are repealed.

Parts of a certain act repealed.

VII. *And be it further enacted*, That the special justices for preserving the peace in the city of New-York, and each of them, shall have and exercise the like powers, in the said city, as are now exercised by justices of the peace in the different counties of this state : *Provided*, That nothing herein contained shall be construed to authorise said justices to try causes for the recovery of debts.

Certain other powers granted to the special justices.

VIII. *And be it further enacted*, That the said special justices shall have power to take acknowledgments of special bail in the supreme court, and acknowledgment of satisfaction in the mayor's court, and all such acknowledgments, made before any such special justice, shall be as valid and effectual as if made before the mayor or recorder of said city.

They may take acknowledgments of special bail, &c.

IX. *And be it further enacted*, That every action to be commenced before any of the assistant-justices, (except where an assistant-justice shall be one of the parties thereto) shall be commenced and prosecuted before the assistant-justice either in the ward in which the plaintiff or plaintiffs shall have resided at least one month immediately preceding the commencement of the said action, or of the ward in which the defendant or defendants, or one of them, shall reside at the time of the commencement of the said action ; and that if there shall be several plaintiffs, not all residing as afore-

Actions commenced before assistant justices, how to be prosecuted.

said in the same ward, or if the said action be commenced by any assistant or attorney, then and in every such case the said action shall be prosecuted only in the ward in which the defendant or defendants, or one of them, resides; and every such assistant-justice is hereby directed and required to dismiss every action brought before him contrary to the provisions of this section, with costs of suit, to be paid by the plaintiff or plaintiffs in the same manner as if he or they were non-suited on the merits; and every judgment that may be obtained or procured contrary to the true intent and meaning of this section, shall be utterly void, but where one of the said assistant-justices shall be one of the parties in any such action, it shall and may be lawful to commence and prosecute the same before any other of the said assistant-justices.

CHAP. CLXXXV.

An ACT *for regulating the power of taxing Costs in the Court of Chancery.*

Passed June 18, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the chancellor of this state, for the time being, shall, by rule or order of his court, from time to time in his discretion, select and designate three of the masters of the court of chancery of this state, one of whom shall be a resident in the city of New-York, one other of whom shall be a resident in the city of Albany, and the other of whom shall be a resident in the county of Oneida; which three masters respectively shall continue to exercise and perform the power and duty of taxing costs in the said court; and that from and after the first day of September next, no other master of the said court shall have or exercise the power of taxing costs in the said court.

II. *And be it further enacted* at this act, II
continue in force for the term of years therein expressed, and no longer.

CHAP. CLXXXVI.

An ACT for dividing the Towns of Bath and Dansville, and erecting two new Towns in the County of Steuben, by the name of Cohocton and Howard.

Passed June 18, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in March next, all that part of the towns of Bath and Dansville, in the county of Steuben, comprehended within the following bounds: beginning at the north-west corner of the town of Pulteney, thence south on the west line of said town to the centre of township number five, in the fourth range east and west; thence west to the centre of township number five, in the fourth range; thence south as far as the south line of township number five, in the fifth range; thence west on the south line of said township to the south-west corner of said township number five, in the fifth range; thence north to the south-west corner of township number six, in the fifth range; thence east on the south line of said township number six, in the fifth range, three miles: thence due north to the north line of said township number six, in the fifth range; thence east on the north lines of township number six, in the fifth range, and six, in the fourth range, to the place of beginning, shall be and is hereby erected into a separate town by the name of Cohocton, and that the first town-meeting shall be held at the house of Joseph Shattock, junior.

Cohocton
erected.

II. *And be it further enacted,* That all that part of the towns of Canestota and Dansville, in the said county of Steuben, comprehended in the following bounds, to wit: the whole of township number four, in the fifth range, excepting one thousand four hundred and forty acres, or one hundred and twenty chains square, in the south-west corner of the said township, and all the south equal half of township number five, in the fifth range, shall be and is hereby erected into a separate town, by the name of Howard, and that the first town-meeting shall be held at the house of Simeon Bacon.

Howard
erected.

Poor and
poor money
divided.

III. *And be it further enacted*, That as soon as may be after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns of Canastota, Dansville, Howard, Bath and Cohocton, shall meet at the place where the last town-meeting was held in the town of Bath, after due notice for that purpose, and divide the monies and poor belonging to the said towns respectively, and each of the said towns shall forever thereafter maintain their own poor.

CHAP. CLXXXVII.

An ACT authorising a Tavern to be kept in the building occupied as a Jail, in the County of Delaware, and for other purposes.

Passed June 18, 1812.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the commissioners of excise in and for the town of Delhi, in their discretion, to authorise an inn or tavern to be kept in the building occupied as the jail of the county of Delaware.

II. *And be it further enacted*, That the present gaol of the city and county of Albany shall continue the gaol of the said city and county until the new gaol shall be completed: *Provided*, The time hereby allowed shall not exceed three years.

CHAP. CLXXXVIII.

An ACT to authorise the Comptroller of this State to subscribe to the Bank of America.

Passed June 18, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller of this state is hereby authorised and directed to subscribe, on behalf of the people of this state, as many shares in the capital stock of the bank of America as will be equal to the amount of one hundred and fifty-two shares, belonging to the people of this state in the late bank of the United States,

and to sell and transfer to the president, directors and company, of the bank of America, the said one hundred and fifty-two shares of the late United States bank in payment therefor.

CHAP. CLXXXIX.

An ACT to amend an Act, entitled "*An Act authorising Commissioners to lay out the Road therein mentioned, within the Counties of Onondaga, Cayuga and Seneca.*"

Passed June 18, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners appointed in and by said act hereby amended may, and it is hereby made their duty, instead of laying out the same from the bridge over Sodus Bay, to the house of Gideon Brockway, to lay out the same from the house of said Gideon Brockway aforesaid, by the new bridge over the Seneca river, at or near Adams's ferry, and to continue the same from said bridge, in the most eligible and convenient route, so as to intersect, in the west part of the town of Cato, the road laid out according to the directions of the act, entitled "an act authorising commissioners to lay a state road from Genesee river falls to the Seneca river, to a place called Gaskin Rift, and to the Rapids of Chittinengo creek," passed 27th March, 1809.

II. *And be it further enacted*, That said commissioners shall cause a map and description of that part of said road running through each town on its route, and file said map and description in the office of the town clerk of such town, in order that the commissioners of highways may be enabled to direct such road to be made and repaired according as the law directs. And whereas Reuben Humphreys, one of the commissioners named in the act hereby amended, has requested, on account of want of health, to be excused from acting as a commissioner hereafter: Therefore,

III. *Be it further enacted*, That Ira Hopkins, of the county of Cayuga, be and he is hereby appointed a commissioner, for the purposes in said act mentioned, who, together with the other two commissioners, are hereby empowered to proceed and lay out the same road agreeable to the directions of the act hereby amended and this act.

CHAP. CXC.

An ACT to open and improve a Road from Bucks, in the Town of Queensbury, to the Schroon River, in the Town of Thurman.

Passed June 18, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That Halsey Rogers and Michael Harris, of Caldwell, be and they are hereby appointed commissioners for opening and improving the road from Bucks, in the town of Queensbury, to the Schroon river, in the town of Thurman; and in case either of the said commissioners shall die, neglect or refuse to perform the duties for which they are appointed, it shall be lawful for the person administering the government of this state for the time being, to appoint a suitable person or persons, as the case may be, to perform such duties, who shall have the like powers as are hereby given to the said Halsey Rogers or Michael Harris.

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, out of the first monies which shall be received into the treasury from James Caldwell, the sum of three thousand dollars to the commissioners appointed or to be appointed in pursuance of this act.

III. *And be it further enacted*, That the commissioners appointed or to be appointed in pursuance of this act, shall execute a bond to the people of this state, with two or more sufficient sureties, in the penal sum of six thousand dollars, conditioned to render a true and faithful account of all monies to be received by such commissioners in pursuance of this act, and the

said commissioners shall be entitled to two dollars for each day they shall be necessarily employed in opening and making said road.

CHAP. CXCI..

An ACT *for the Relief of Joseph Stewart, and other Persons therein named.*

Passed June 18, 1812.

WHEREAS, by an act passed the 19th March, 1810, the attorney-general was empowered to ^{Preamble:} take such measures as he should deem expedient, at the expense of one Archibald Currie, in the said act named, to recover certain bonds and mortgages, and to collect the monies due thereon, and to pay the avails hereof into the treasury of the state: And whereas the comptroller of the state, in and by the said act, was required to draw his warrant on the treasurer in favor of the said Archibald Currie, for such sum as the comptroller should find to be justly due to him, for his demand against one John Munro, in the said act named, (by whose attainder the said bonds and mortgages became forfeited to the people of this state:) *Provided*, That the amount of such demand shall not exceed the avails arising from the said bonds and mortgages. And whereas Joseph Stewart, Elihu Chace, Comfort Curtis, Daniel Russel and John Preston, by their petitions presented to the Legislature, represent, that in pursuance of the said act, payment of the said bonds and mortgages has been demanded of them; that the lands mortgaged are of so little value, that if they are compelled to pay the amount of the said bonds and mortgages they will pay the full value of the said lands, without having any redress over to their grantors; that in addition, a demand of dower hath lately been made of them by the widow of the said John Munro, who was attainted as aforesaid; and that they are willing to pay and satisfy the amount of the demand of the said Archibald Currie as aforesaid: *Provided*, That the lands holden by them as aforesaid be discharged from any further liability to the state, on account of the said mortgages: Therefore,

The comptroller may cancel certain mortgages on certain conditions.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That if it shall appear to the satisfaction of the comptroller, that the lands mortgaged as aforesaid are of so little value that the amount of the demand of the said Archibald Currie as aforesaid will be equal to the value of the said lands, after deducting the consideration monies bona fide paid by the present holders of the lands, the interest of the same, and the improvements made upon the said lands since the original purchase from the said John Munro, that then and in such case it shall and may be lawful to and for the owners of the said lands, or either of them, to settle and compromise the demand of the said Archibald Currie, by virtue of the said mortgages, upon the said lands, or upon any part or parts thereof; and it shall be the duty of the comptroller, in the name of the people of this state, to make, execute and acknowledge, a full and complete discharge from the mortgage or mortgages as aforesaid and the monies thereby secured, of the lands of every such person or persons as shall produce to him a certificate from the said Archibald Currie, or his heirs or assigns, that he or they have received full satisfaction of such claim as he or they have in virtue of the said mortgages, and the acts passed for the benefit of the said Archibald Currie on account of the demands due as aforesaid from the said John Munro to the said Archibald Currie, upon such lands as shall be specified in the said certificate or certificates.

The clerk of Albany county shall make a minute of such discharge.

II. And be it further enacted, That the clerk of the county of Albany be and he is hereby authorized and required to enter a minute of the discharge from the mortgage and mortgages aforesaid, of such lands as shall be specified in the said certificates, to be made and acknowledged as aforesaid.

Duty of the comptroller in a certain case.

III. And be it further enacted, That if upon the valuation of the said lands mortgaged as aforesaid, to be made in manner aforesaid, the comptroller shall be of opinion that the said lands are worth a sum more than sufficient to discharge the said demand of the said Archibald Currie against the said John Munro, that then he shall report to the legislature such sums: *Pro-*

Provido.

vided however, That it shall be the duty of the persons for whose benefit this act is passed, to produce such evidence to the said comptroller as shall or may become necessary in the premises: *And further,* That in no event shall the state be made liable for any interference in this behalf, any thing in this act contained to the contrary notwithstanding.

CHAP. CXCII.

An ACT to incorporate the American Insurance Company of New-York.

Passed June 18, 1812.

WHEREAS a petition hath been presented to the legislature of this state by certain persons, stockholders in the marine insurance company of New-York, and divers other persons, setting forth, that from a succession of heavy losses and misfortunes the said marine insurance company of New-York is unable any longer to continue the business of insurance with profit to the stockholders and security to the assured; that they cannot hope to revive the said company within the time limited by their charter, which will expire on the first day of March, in the year one thousand eight hundred and fourteen; that the interest of commerce requires that a new company should be established in the place of the said marine insurance company of New-York, and praying for an act of incorporation whereby they may be enabled the better to conduct the business of marine insurance, and to relieve the stockholders in the said marine insurance company of New-York, as far as circumstances will permit: *Preamble:* Therefore,

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all such persons as now are or hereafter may be stockholders of the company hereby incorporated, shall be and hereby are declared to be a body corporate and politic, in fact and in name, by the name and style of "the American insurance company of New-York," and that they and their successors shall by that name

have continual succession, and be capable in law of suing and being sued, and pleading and being impleaded, in all courts and places whatsoever as a body corporate and politic; that they and their successors may have a common seal and may change and alter the same at pleasure: and also that they and their successors, by the said corporate name of "the American insurance company of New-York," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions herein after mentioned; that a share in the stock of the said corporation shall be fifty dollars, and that the number of shares shall not exceed five thousand; and the whole amount of the stock, estate and property which the said corporation shall be authorised to hold, including the capital stock or shares abovementioned, shall never exceed in value two hundred and fifty thousand dollars.

Number of directors.

First directors.

Election, when held and how to be conducted

II. *And be it further enacted*, That there shall be fifteen directors of the said company, who shall hold their offices for one year, and until others are elected and no longer; and the following persons shall be and hereby are appointed directors of the said company for the first year, to wit: William Neilson, junior, George Turnbull, William Wilson, Jacob Stout, Jonathan Ogden, Richard Black, John Rathbone, James Thomson, John Day, Charles Miller, junior, James Heard, Thomas Carberry, Edmund Morewood, Leffert Leferts and Charles Rhind, who shall hold their offices respectively until the second Tuesday of May, in the year of our Lord one thousand eight hundred and thirteen; and for the purpose of perpetuating the representation of the said company, there shall be an election for directors once in every year, which election shall be held on the second Tuesday in May in each and every year, at the office of the said company, or at any other convenient place in the city of New-York, and at such time of the day as the president and assistant or assistants for the time being, or a majority of them shall appoint; and to qualify a person to be a director of the said company, he shall be, at the time of

his election, and so continue to be, during his term of service, a stockholder in the said company to the amount of twenty five shares and a citizen of this state, and shall not be a director of any other marine insurance company, except the said marine insurance company of New-York; that the president and assistant or assistants, for the time being, shall cause public notice to be given in at least two of the newspapers printed in the city of New-York, at least fifteen days previous thereto, of the time and place where such election is to be held, and such notice shall be published daily; that such election shall be held under the direction of three stockholders, not being directors, who shall be appointed inspectors thereof by the directors for the time being, or a majority of them: that the election shall be by ballot, and be determined by a majority of the votes of the stockholders present, and each stockholder shall be entitled, for every share, to one vote, and may vote by proxy, provided the proxy be immediately derived from the stockholder for whom he acts as proxy; but no transferred share shall entitle the person to whom it may be transferred to a vote, until the expiration of ninety days after such transfer; and in case of the death, resignation or inability to serve of any director, his place shall be supplied and a new director chosen by the remaining directors for the time being, or a majority of them, who shall be convened for that purpose by a notice specifying the object of the meeting, and such director shall serve during the remainder of the current year. And it shall be the duty of the president and assistant or assistants for the time being, to cause such meeting to be called immediately after such vacancy shall happen.

III. *And be it further enacted,* That the directors appointed by this act, and such as may hereafter from time to time be elected, shall meet as soon as may be and choose out of the stockholders at large, or out of their own body, a president and one or two assistants, who shall serve for one year, and be sworn faithfully to discharge the duties of their respective offices; and in case of the death, resignation or inability to serve of

Directors to
elect a pre-
sident.

His duty.

the president, assistant or assistants, or either of them, such vacancy or vacancies shall be filled by an election such as is herein before provided for supplying the place of a director whose place shall be vacated by resignation or otherwise; and the president, or in case of his death, resignation or inability, the assistant or assistants, or either of them, and in case of their death, resignation or inability, the secretary of the said company shall have power to convene the directors for the purpose aforesaid, by a notice to the said directors specifying the object as aforesaid.

Corporation
not to be dis-
solved if
election is
not made on
a certain day

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Stockholders
of the marine
insurance
company
shall have
preference
in subscrib-
ing.

V. *And be it further enacted*, That the stockholders of the marine insurance company of New-York, shall have a preference in subscribing for the stock of the corporation hereby created for the period of fifty days after the subscription for the said stock shall be opened: and that it shall be lawful for the corporation hereby created to accept and receive the stock of the marine insurance company of New-York, or any part thereof, in payment or part payment of any sum or sums that may be subscribed to the stock of the corporation hereby created, at such price or prices as the said stock of the marine insurance company of New-York may at such times be deemed by them to be reasonably worth.

This corpo-
ration shall
finally settle
the business
of the marine
insurance
company.

VI. *And be it further enacted*, That after the expiration of the charter of the said marine insurance company of New York, the corporation hereby created shall be trustees for the final settlement, adjustment and closing of all the business and concerns of the said marine insurance company of New-York.

Seven direct-
ors shall
form a board

VII. *And be it further enacted*, That seven of the directors, including the president or an assistant, shall

form a board, and be competent to transact all the business of the corporation; and all questions before them shall be decided by a majority of voices, and they shall have power to make and ordain bye-laws, rules and regulations not repugnant to the constitution or laws of the United States or of this state, touching the government and management of the stock, property, estate and effects of the corporation and the transfer of shares, and the duties and conduct of their officers and servants, and the election of directors, and all other matters whatsoever appertaining to marine insurance; and shall have power to appoint a secretary and other servants, and to establish and fix such salaries and allowances to them and to the president and assistant or assistants as to the said board shall from time to time appear to be proper.

VIII. *And be it further enacted*, That until other regulations shall be in that behalf made by the directors in manner aforesaid, it shall be lawful for the president and an assistant, or one of them with a director, or in the absence of both president and assistants, for any three of the directors for the time being, to make insurance on behalf of the company upon vessels, goods, wares and merchandize, freight, bottomry, respondentia interest, and all other marine risks, at such premiums as they may think fit, and all policies of insurance by them made and subscribed by the president, or by the assistants in the absence or inability of the president, or if there be but one assistant, by him with one of the directors, or by any three directors in case of the absence or inability of both president and assistants, and attested by the secretary, shall be as binding upon the said corporation as if executed under the seal thereof: and the assured may thereupon maintain an action on the case against the said corporation: and all losses arising under any such policy may be adjusted and paid with the approbation of three of the directors assembled together at their office, of whom the president or an assistant shall be one, and not otherwise.

Insurance
how to be
made.

IX. *And be it further enacted*, That there shall be two stated general meetings of the directors in every

Stated meetings.

year, to wit : on the second Tuesdays of May and November, at which they shall examine the accounts of the corporation, and make a dividend of so much of the profits as to a majority of the meeting shall seem advisable ; (but the monies received or notes taken for premiums on risks not determined, and outstanding at the time of making the dividend, shall not be considered as a part of the profits of the corporation) and in case of any loss or losses whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made until, by the profits of the corporation, a sum equal to such diminution shall have been added to the capital ; and once in every three years, (and oftener if required by a majority of the stockholders) the directors shall lay before the stockholders, at a general meeting, a correct statement of the accounts, and surplus of profits, if any there be, after deducting losses and dividends.

What real estate may be held by the corporation.

X. *And be it further enacted*, That the said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of its business, or such as may be bona fide mortgaged or conveyed in satisfaction of debts previously contracted in the course of its business to the said corporation, or which shall or may be purchased at sales upon judgments or decrees obtained for such debts ; and with respect to all such real estate as aforesaid, excepting such as shall be necessary for its immediate accommodation, and such as shall be bona fide mortgaged as aforesaid, the said corporation shall be bound to sell and dispose of the same respectively within five years after the acquisition thereof, otherwise the same shall be forfeited and vested in the people of this state.

They shall not be concerned in any trade, except as allowed by this act.

XI. *And be it further enacted*, That the said corporation shall not be concerned in any trade or traffic whatsoever, except as above described and permitted, but it may nevertheless purchase stock created under any law of the United States or of this state, for the purpose of investing its capital, and may take a transfer thereof, by way of security, for or in part payment of any debt due to the said corporation, and may sell any such stock when the interest or exigencies of the

said corporation may require it; and the said corporation shall not issue any notes, bills or securities, for the payment of money, except under the seal thereof.

XII. *And be it further enacted*, That this act shall be, and is hereby declared to be, a public act, and that the same be, for the time herein after limited, construed in all courts and places benignly and favorably for every beneficial purpose therein intended. This a public act.

XIII. *And be it further enacted*, That this act shall continue in force for and during the term of fifteen years from the twelfth day of May, in the year of our Lord one thousand eight hundred and twelve, and that the corporation hereby created shall continue and remain a body corporate and politic for and during the same term, and no longer, any thing herein contained to the contrary notwithstanding; and that in respect to all debts contracted by the said corporation before the twelfth day of May, which will be in the year of our Lord one thousand eight hundred and twenty-seven, the persons composing the said corporation at the time of its dissolution shall be responsible, in their individual and private capacity, to the extent of their respective shares, and no further, in any suit or action to be brought after the dissolution of the said corporation. Its duration.

CXCIII.

An ACT for the relief of Samuel Reynolds.

Passed June 18, 1812.

WHEREAS it appears by the petition of Samuel Reynolds, that the name of Samuel Thorn, late a soldier serving in the line of this state, in the army of the United States, in the late war with Great-Britain, was regularly returned to the commissioners of the land office, as one of the dead soldiers whose representatives were entitled to the land granted by this state as bounty lands, but owing to a mistake or misapprehension no letters patent have been issued for the lot drawn to the share or right of the said Samuel Thorn: Therefore,

I. BE it enacted by the people of the state of New York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land office to issue letters patent to the said Samuel Thorn for the lot drawn to the share or right of the said Samuel Thorn, and the title to said land shall be and hereby is declared to have been vested in the said Samuel Thorn at the time of his death.

CHAP. CXCIV.

An ACT to grant certain additional powers to the Mayor, Aldermen and Commonalty of the city of New-York, and for other purposes.

Passed June 18, 1812.

I. BE it enacted by the people of the state of New York, represented in senate and assembly, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall have full power and authority to make and pass such by-laws and ordinances as they shall from time to time deem necessary and proper, to regulate, or to prohibit the purchase, sale and exposure to sale of any goods, wares or merchandise, fruits, herbs, liquors, meats, fish, or any other article or thing, within the said city, on the first day of the week called Sunday, except fresh fish, which may be sold prior to nine o'clock in the forenoon, and also to prohibit and suppress all gaming houses and places for gaming in the said city, and also to regulate the butchers in the said city and to prohibit and restrain them from carrying on their business at any other times or places than such as may be designated for that purpose by the common council, and to prohibit and restrain all and every person or persons, other than licensed butchers, from carrying on the business or calling of a butcher, or any branch or part thereof, in the said city; and also to regulate hackney coaches or carriages and the owners and drivers thereof, and their rates of fare or carriage, requiring the owners of such hackney coaches or carriages to have a license from the mayor of the said

The corporation of N. York to regulate the sale of certain articles on Sunday.

Prohibit and suppress gaming houses.

To regulate butchers.

Hackney coaches.

city for the time being, under the directions of the common council of the said city.

II. *And be it further enacted*, That in order to enforce a compliance with the said bye-laws and ordinances, such penalties may be enacted and contained in the said bye-laws and ordinances as the said mayor, aldermen and commonalty may from time to time think proper, not exceeding two hundred and fifty dollars for each offence ; and further, that every pawn-broker and dealer in the purchase or sale of second hand clothes, furniture or metals, who shall obtain a license from the mayor of the city of New-York, for the time being, shall pay therefor a sum not exceeding fifty dollars, and every owner of a hackney coach or carriage, or hackney coaches or carriages, who shall obtain a license from the mayor of the said city, as aforesaid, shall pay therefor a sum not exceeding five dollars for each hackney coach or carriage, and the sums to be paid for such licenses shall be determined by the said common council, subject to the limitations aforesaid ; and such sums shall be applied towards the support of the poor of the said city.

Penalties for
breaches of
bye-laws.

Pawn brok-
ers license.

Hackney
coaches li-
censes.

III. *And be it further enacted*, That whenever, in the opinion of the mayor, aldermen and commonalty of the said city, in common council convened, it shall be expedient to make a public well and pump in any street or road in the said city, it shall be lawful for the said common council to order and direct the same to be done accordingly, in such manner and at such place as they shall think most adviseable, and the expense thereof shall be estimated and assessed among all the owners or occupants of the houses and lots of ground intended to be benefitted thereby, in the manner directed in and by the eleventh section of the act, entitled " an act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, and shall be binding and conclusive in the manner therein prescribed ; and shall be collected in the manner therein directed, or in the manner directed in the seventh section of the act, entitled " an act to enable the mayor, recorder and aldermen of the city of New-York to raise monies by

Wells &c.
made.

Expenses
how assessed.

tax, and for other purposes," passed the first day of June, in the present year : *And whereas*, the commissioners of the Alms-House and Bridewell of the city of New-York, or some of them have heretofore bound out poor children as apprentices or servants to persons residing out of the said city, and doubts are entertained whether such binding be lawful.

Commissioners of Alms House may bind out certain poor children.

Proviso.

IV. *Be it further enacted*, That every such binding out heretofore made shall be and the same is hereby confirmed, and that the said commissioners or any two of them, shall and may, when they see fit, bind out such poor children as they shall be authorised to bind out, to any person or persons residing out of the city of New-York : *Provided* the person or persons to whom such children may be bound, shall reside in this state.

CHAP. CXCV.

An ACT to alter and improve a road in the towns of Willsborough and Chesterfield, in the county of Essex.

Passed June 18, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of highways of said towns of Willsborough and Chesterfield to lay out a road, beginning at the bridge near the Forge in Willsborough, in the most direct and convenient route to the house of Alva Bosworth, in said town of Chesterfield.

II. *And be it further enacted*, That for the opening and improving said road, that the treasurer shall, on the warrant of the comptroller, pay to George Troop, Dean Edson and Delavan Delance, who are hereby appointed commissioners for improving said road, the sum of four thousand dollars, out of the monies that shall arise out of the sales of the unappropriated land in said county of Essex, not otherwise appropriated.

III. *And be it further enacted*, That before the said George Troop, Dean Edson and Delavan Delance

shall enter into the duties of their office, they shall enter into bonds to the people of this state in the sum of eight thousand dollars for the faithful performance of the duties of their office, and to account with the comptroller of this state within two years from the passing of this act, for the expenditure of the said sum of money, and to repay any overplus which may remain unexpended.

CHAP. CXCVI.

An ACT *further to improve the road from Hopkinton, in the county of St. Lawrence, to North-West Bay, on Lake Champlain.*

Passed June 19, 1812.

WHEREAS the appropriations heretofore made for opening and improving the road from Hopkinton to North-West Bay, have been found entirely inadequate to open and improve the same so as to render it passable: *And whereas* the said road runs through large tracts of unsettled lands, so that it cannot be made passable by the ordinary means provided by law: *And whereas*, the said road, when made, will open an important communication between the northern and southern parts of this state: *And whereas*, it is but just that those who derive immediate benefit from the said road in the improvement of their lands, should bear a reasonable part of the expenses of opening and improving the same: Therefore,

1. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That for improving said road there shall be assessed, paid and collected on the lands situate within two miles of said road, and between the west line of township number eleven, of the Old Military Tract, and the said town of Hopkinton, the following sums, viz: For every acre of said land lying within one mile of the said road, a sum not exceeding five cents nor less than two mills; and for every acre of said land lying more than one, and not more than two miles from the said road so to be improved, not exceeding two cents nor less than

Assess how m.

one mill, as a tax for the improvement of the said road for the present year, and that the like sums shall be paid on the said lands, in the years one thousand eight hundred and thirteen, and one thousand eight hundred and fourteen.

B. Raymond
appointed
assessor.

It's duty.

II. *And be it further enacted*, That Benjamin Raymond shall be and he is hereby appointed an assessor to make the assessments contemplated in and by the first section of this act, who is hereby required on or before the first day of August next: and also on or before the first day of June, in the year one thousand eight hundred and thirteen and one thousand eight hundred and fourteen, to examine and make a fair assessment of the lands herein made subject to this tax as aforesaid, which shall be in writing; and shall ascertain and describe the parcels of land so assessed as nearly accurate as he can: and he shall forthwith give notice twice in each month in some newspaper printed in the city of New-York, and twice in each month in the newspaper printed by the printer to this state, that such assessments have been made, mentioning the owners of the said lands, where they are known to the said assessor, and the amount of the tax charged on each township, tract, piece or parcel of land so as aforesaid assessed, and thereby requiring payment to be made of such tax to the treasurer of this state before the second Monday of November then next in each year; and that if the tax so assessed shall not be paid, so much of the lands liable therefor as may be necessary will on that day, or on the next succeeding days, be sold by the comptroller of this state, at the capitol in the city of Albany, to the highest bidder, to raise the amount of the sums so assessed and remaining unpaid: and the said assessor shall, immediately after completing the said assessments, in each year transmit a copy thereof to the comptroller for his government: *Provided nevertheless*, That if any person so assessed shall think himself aggrieved by any such assessment, such person may require an actual survey to ascertain the same at his own expense, and the decision of the assessor thereon shall be conclusive.

III. *And be it further enacted*, That the said comp-

troller shall, on application to him for that purpose, certify the amount of said tax due on any of said lands, and the treasurer shall, on the payment of the amount so certified, give his receipt for the same, which receipt, when countersigned by the comptroller, shall be a sufficient discharge of such tax.

The comptroller to certify the amount of certain taxes

IV. *Be it further enacted*, That the said comptroller shall, on the second Monday of November next, and on the second Monday of November in the years one thousand eight hundred and thirteen and one thousand eight hundred and fourteen, and on the next succeeding days if necessary, proceed to sell the parcels of land so assessed, or so much thereon as may be necessary to raise the taxes thereof that shall remain unpaid; and the said comptroller shall be and is hereby authorised to make a conveyance to the purchasers of the land so sold, and which shall vest the absolute title thereof in the purchaser in fee simple: *Provided, however*, That such sale and conveyance shall not be valid if the owner of such land so sold and conveyed by the said comptroller shall, within two years after such sale, pay into the treasury of this state, for the use of the said purchaser, the amount of the purchase money, with an interest thereon at the rate of fourteen per centum per annum; and the amount of said assessments, when received into the treasury, shall be paid on the warrant of the comptroller to the commissioner named and appointed in and by the act, entitled "an act to establish and improve a road from the north-west bay on Lake Champlain to Hopkinton, in the county of St. Lawrence," passed 5th April, 1810, after deducting actual disbursements, and for advertisements and for expenses of sale, and five per cent to the said assessor for his compensation; and the said monies shall be as faithfully and speedily as possible applied to the repairs and improvement of said road between the said town of Hopkinton and the west line of the Old Military Tract so called: *Provided*, That no lands belonging to the people of this state, at the time of making of any of the said assessments, shall be liable therefor or be assessed.

He shall sell certain lands if necessary.

Proviso.

V. *And be it further enacted*, That the said assessor,

Assessor
oath.

previous to his acting as such, shall take and subscribe the following oath or affirmation:—“I, do solemnly swear (or affirm) that I will faithfully and impartially, according to the best of my judgment and ability, execute the duties of an assessor under the act, entitled “an act further to improve the road from Hopkinton, in the county of St. Lawrence, to Northwest Bay, on Lake Champlain,” to which I am appointed, without favor or affection, so help me God,” which oath shall be deposited in the comptroller’s office. And whereas the said road runs through large tracts of the state lands in townships number one, number eleven and number twelve of the Old Military Tract: Therefore,

treasurer
of the town
of Keene
shall

VI. *Be it further enacted*, That the treasurer, on the warrant of the comptroller, pay unto the said commissioner, together with John Grant, of the town of Keene, or their order, out of any money in the treasury, the sum of three thousand dollars, which sum shall be by them as soon as may be appropriated in opening and improving said road between the west line of the Old Military Tract so called, and the dwelling house of Zadock Hurd, in the town of Keene, in the county of Essex.

Route of the
road may be
altered.

VII. *And be it further enacted*, That the said commissioners shall be and are hereby authorised to deviate from the present track of the said road, whenever they may deem it to be to the public advantage so to do.

Monies ex-
pended to be
accounted
for.

VIII. *And be it further enacted*, That the said commissioners shall account with the comptroller for the faithful expenditure of all monies to be received by them in pursuance of this act whenever they shall be thereunto required.

Commission-
ers shall give
bond.

IX. *And be it further enacted*. That the said commissioners shall, before they receive any of the said money from the treasurer, enter into a bond or bonds to the people of this state, with sufficient surety to the acceptance of the comptroller of this state, in double the sum they may so receive, that they will faithfully expend the said money in making and repairing said

road, and will account to the comptroller for the same within two years from the receipt of such monies.

X. *And be it further enacted*, That the said commissioners of highways for the town of Chenango, in the county of Broome, be and they are hereby authorised and directed to lay out into a public highway Water-street, the street extending from Court-street to the Susquehannah river, of the width of sixty feet, any thing in the act, entitled "an act to regulate highways," to the contrary notwithstanding.

A certain street in Chenango, Broome county, to be laid out as a public highway.

CHAP. CXCVII.

An ACT for the Relief of the Heirs of John Schultz, deceased.

Passed June 19, 1812.

WHEREAS it is represented to the Legislature by all the heirs of John Schultz, late of the town of Rhinebeck, in the county of Dutchess, that he died seised of real estate, leaving several children, some of whom are infants; that the real estate so left is unproductive of sufficient revenue for the support of the said children; that a partition of that part of the estate which belongs to the children, and not set apart to the widow of the said John Schultz, would be productive of great inconvenience and injury to their interests; that a sale of the whole together may be effected on terms more advantageous, and will probably produce a fund the income of which will support and educate the minor children: And whereas they, by their guardians, together with the children, who are of full age, have prayed that a law may be passed for the sale of the whole property together: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Robert Sands, Jacob Schultz and John F. Schultz, be and they are hereby appointed trustees, with full power to them, or any two of them, to grant, bargain and sell, for the best price and upon the best terms in their power, all the real estate of which the said John Schultz died seised, and that they, or any two of them, may execute good and sufficient deeds and con-

veyances in the law to the purchaser or purchasers thereof: *Provided*, That so much of said estate as has already been set off and assigned to Anna Curtis, the wife of the said John Schultzs, deceased, as and for her dower, shall in no wise be affected by this act.

II. *And be it further enacted*, That the said trustees shall pay to such of the children and heirs of the said John Schultzs, deceased, as shall have arrived at the age of twenty-one years, their heirs and assigns, their respective portions of the proceeds of such sale as soon as the same shall have been by them received after deducting their reasonable costs and charges, to be allowed and approved by the first judge of the county of Dutchess; and the said trustees shall cause the remainder of the said proceeds to be placed at interest in a manner to be approved of by the chancellor of the state, and shall apply the interest and income thereof to the support and education of the minor children of said John Schultzs, in equal proportions; and when and as the said minor children shall arrive at the age of twenty-one years respectively, the said trustees shall pay the principal to the said children, in equal proportions, share and share alike.

III. *And be it further enacted*, That the said trustees, before they enter on the execution of the said trust, shall execute a bond to the children and heirs of the said John Schultzs, with two sureties, to be approved of by the chancellor, in such sum as the said chancellor shall direct, conditioned for the due and faithful execution of their trust, which bond shall be filed in the office of the register or assistant-register of the court of chancery, for the use of the said children.

IV. *And be it further enacted*, That in case the said trustees, or any of them, shall die before the said trust shall be executed, it shall be lawful for the chancellor to appoint other trustees in their stead, who shall in all respects conform to the directions of this act.

CHAP. CXCVIII.

An ACT to amend an Act, entitled "*An Act incorporating the President and Directors of the Newburgh and Sullivan Turnpike Road Company, passed 8th April, 1811.*"

Passed June 19, 1812.

WHEREAS it appears that there is now a good and sufficient bridge across the Wallkill, (known by the name of Bruyn's bridge) at which place the said turnpike road now crosses : Therefore,
BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the inspectors authorised by law to inspect the said road, when the same shall be finished, shall proceed to inspect the said road in the same manner as if the bridge contemplated by the charter of said road to be erected across the said Wallkill had been erected : *Provided nevertheless,* That the said company shall, in the mean time, keep the said bridge now erected in good repair for four years from the passing of this act, at the expiration of which time the said company are to erect a bridge over the said Wallkill, as is contemplated by the said act of incorporation : *Provided,* That it shall not be lawful for the said company to ask or receive from any person any toll for passing said bridge.

CHAP. CXCIX.

An ACT to incorporate the New-York Marble Company.

Passed June 19, 1812.

WHEREAS William Street and others several years ago associated as a company, under the style of "the New-York Marble Company," for the laudable purpose of working a marble quarry, at the town of Mount-Pleasant, in the county of Westchester, and have prayed to be incorporated : Therefore,

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said William Street, William L. Vandervoort and Anthony Dey, and such persons as have or hereafter

Preamble.

W. Street
and others
incorporated

Their style
and powers.

shall be associated with them for that purpose, for the purpose of opening or working any mine in the place aforesaid, and their successors and assigns be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and name, by the name of "the New-York marble company," and by that name they and their successors for the term of twenty-one years hereafter, shall may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, may change and alter the same at their pleasure, and that they and their successors, by the name "the New-York marble company," shall in law be capable of purchasing and holding any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this incorporation.

Amount of
stock.

II. *And be it further enacted,* That the capital stock of the said corporation shall not exceed one hundred thousand dollars, and that a share of the stock shall be one hundred dollars; that the persons now holding shares in the said company shall be entitled to subscribe at and after the rate of ten shares of the stock created under this act, for any share as near as may be, in the same proportion, for every part of a share which he or they may have held at the time of passing this act, under the old association; that whenever there shall be two hundred and fifty shares subscribed, the directors herein after named shall have a right to proceed to work the marble quarry; that the stock of the said company shall be deemed and considered personal estate, and that nothing herein contained shall authorise or empower the said company to carry on banking business, or to use or employ their funds, or any part thereof, or to permit the same to be used or employed, in the purchase of the stock of any bank in

United States, or any other public stock, for any purpose or in any manner whatsoever not herein expressly authorised.

III. *And be it further enacted*, That for the better carrying into execution the objects of the said company, there shall be, for the present, three directors, who shall hold their office for one year from the date of the passing of this act, or until others shall be elected in their stead; that the first three directors shall be William Street, William L. Vandervoort and Anthony Dey, out of which number the said directors, at their first meeting, shall appoint their president. First directors.

IV. *And be it further enacted*, That the said corporation and their successors shall have full power to make, constitute, ordain and establish, by and with the consent of the persons who now hold, or hereafter may hold the major part of the stock created by virtue of this act, all such bye-laws, rules, ordinances and regulations, as they, from time to time, shall judge proper, for the election of directors, and the number of directors which they may judge necessary to conduct the affairs of the company, and the time and manner of their election: *Provided*, That the election for directors be held annually, and that public notice of the time and place of holding said election be given at least ten days previous thereto; and the directors above named, or their successors in office, shall have power to make, constitute, ordain and establish, all other bye-laws, rules, ordinances and regulations, for the transaction of the business of the said company, not repugnant to the constitution and laws of the United States or of this state: *Provided*, That all contracts, engagements and responsibilities, entered into on the part of the said company, and signed by their president, shall be binding on the said company in like manner as any contract would be if made and entered into by any individual. Provided.

And be it further enacted, That the company created by this act of incorporation shall have the benefit of all the funds or stock of the former associates, and shall be invested with all the rights and interest Certain privileges to be enjoyed by the company

Proviso.

which were granted by Caleb B. Bowering, Thomas Stokes, William Street and John Hunter, the original associates, to Cornelius P. Wyckoff and Benjamin Page, in trust for the benefit of the said associates, by lease, bearing date the fifth day of February, one thousand eight hundred and eight, subject, however, to the rights of the said original associates, or their assigns: *And provided*, That neither this act, nor any matter or thing herein contained, shall conclude or in any manner affect or prejudice any person or persons interested in the lands and premises mentioned in the said lease, or in any estate, lands or premises, in the said town of Mount-Pleasant, in the said county of Westchester, unless such person or persons shall have consented or may consent to the corporation hereby created, and the provisions herein contained.

This act to be a public act.

VI. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed in all courts and places benignly and favorably for every beneficial purpose herein intended.

CHAP. CC.

An ACT *to annex a part of the Town of Mayfield to the Town of Wells, in the County of Montgomery.*

Passed June 19, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Mayfield lying east of the Sacondaga river, be annexed to the town of Wells, and the said river hereafter to be the boundary between the said towns.

CHAP. CCI.

An ACT to enable the Rector, Church Wardens and Vestrymen, of St. George's Church, in the City of New-York, to hold real and personal Estate of the annual value or income therein mentioned.

Passed June 19, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the religious congregation or society, in the city of New-York, incorporated under the act, entitled "an act to provide for the incorporation of religious societies," by the name and style of "the Rector, Church Wardens and Vestrymen, of St. George's Church, in the city of New-York," to hold real and personal estate of an annual value or income not exceeding six thousand dollars, any thing in the said act, entitled "an act to provide for the incorporation of religious societies," notwithstanding.

CHAP. CCII.

An ACT to incorporate the Whitehall and Granville Turnpike Company.

Passed June 19, 1812.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That John Williams, Melancton Wheeler, Samuel Standish, junior, Zebulon R. Shepherd, Elijah White, Daniel Earll and Lyman Hall, and all such others as shall associate for the purpose of making a good and sufficient turnpike road, from Whitehall-Landing, in the county of Washington, to or near the farm-house of John Williams; from thence near the house of Robert Willson and John Willson, all in the town of Whitehall; from thence near the farm-house of John Kirkland, occupied by Abraham Burbank; from thence across Gilder Hollow, so as to terminate near the dwelling-house of William Barns, in the town of Granville, so as to promote the interest of the public and of this corporation, and their successors, be and they are

J. Williams
and others,
incorporated

Their style,
 &c,

hereby created a body corporate and politic, by the name of "the President, Directors and Company, of the Whitehall and Granville Turnpike Road," and they are hereby declared, ordained and constituted to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be in law capable of suing and being sued, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

Amount of
 stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of eight hundred shares, of twenty dollars each share, and that John Williams, Elijah White, Samuel Standish, junior, Daniel Earll, Melancton Wheeler and Lyman Hall, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807."

Gates of toll.

III. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive, at the gate or turnpike to be erected on the said road, the following sums of money from all persons travelling or using the same, (except all such persons as are passing to or from public worship, or to or from their necessary business on the farm on which they reside, to or from a funeral, or to or from a grist-mill, with grain or flour for his or their family's use :) For every chariot, coach, caochee, phaeton or curricule, or any other pleasure carriage, with two horses, twenty-five cents, for every additional horse attached to such carriage, six cents; for every chair, chaise, gig, sulkey or pleasure carriage, with one horse, twelve and

one half cents, and for every additional horse attached to such carriage, six cents; for every waggon with two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, four cents; for every cart, drawn by two oxen, eight cents, and for every additional ox or horse attached to such cart, four cents; for every cart or waggon, drawn by one horse, six cents; for every sleigh, sled or pung, six cents; for every man and horse, six cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, ten cents, and so in proportion.

IV. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations, contained in the said act, except the bedding said road, which shall not be required to be more than twenty feet; and that there shall be seven directors for managing the concerns of the said company, four of whom shall be a quorum, and capable of transacting the business of said company; and that they may erect one gate or turnpike on said road, and no more.

CHAP. CCIII.

AN ACT *to alter the Time of holding the January Term of the Courts of Common Pleas and General Sessions of the Peace in and for the County of Onondaga, and for other purposes.*

Passed June 19, 1812.

I. **BE** *it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the January term of the courts of common pleas and general sessions of the peace in and for the county of Onondaga, instead of being held on the first Tuesday of January, shall be holden on the last Tuesday of January, and may be continued and held from the commencement thereof until the Saturday following, inclusive.

II. *And be it further enacted*, That the January term of the courts of common pleas and general sessions of the peace in the counties of Chenango and Madison, and the June term of the same courts in the county of Madison, instead of being held at the times now fixed by law, shall hereafter be held at the times following, to wit: In the county of Madison, on the first Tuesday in February and third Tuesday in June; and in the county of Chenango, on the second Tuesday in February in each year; and that the said several terms of the said courts may be continued and held from the time of the commencement thereof until the Saturday following, inclusive; which said terms shall be called by the names of the months in which the same shall respectively be held as aforesaid; and that all matters proceeding in the said courts, depending or being, shall be deemed and taken to be continued unto the terms above respectively assigned, with the like effect to all intents and purposes as the same would have been continued to the times heretofore fixed by law.

CHAP. CCIV.

An ACT to divide the Towns of Greenbush and Berlin, in the County of Rensselaer, into three Towns.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first day of March next, all that part of the town of Greenbush, within the following bounds, to wit: beginning at the north-west corner of the said town of Greenbush, and running eastwardly, on the line between the towns of Troy and Greenbush, five miles; thence south seventeen degrees fifty-seven minutes west, until it intersects the northerly line of the town of Schodack; thence westwardly, on the line between the towns of Schodack and Greenbush, until it intersects the line of the county of Albany, in the Hudson river; and thence up the river, on the line of the county of Albany, to the place of beginning, in-

cluding all islands in the said river lying nearest the east side thereof, shall be considered as the town of Greenbush, and that the next town-meeting in the said town shall be held at the house now occupied by Jonas Smith, in said town; and that all the residue of the town of Greenbush, together with three miles set off from the west end of Berlin, parallel to the present west line of said town, shall be erected into a new town, by the name of Sand-Lake, and that the first town-meeting in said town shall be held at the dwelling-house of Thomas Thompson, in said town.

Town of
Sand-Lake
erected.

II. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns shall, after due notice given by any one supervisor, meet at the dwelling-house now occupied by Thomas Thompson, and apportion the money and poor belonging to the said towns of Greenbush and Berlin among the three towns, agreeable to the last tax-list for said county, and that forever afterwards each of the said towns shall support and maintain their own poor.

Poor and
poor money
divided.

CHAP. CCV.

An ACT *authorising the laying out and opening of a Road therein mentioned.*

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Duncan McMartin, junior, of Broadalbin, Albert Veeder, of Johnstown, and Daniel Meeker, junior, of Johnstown, are hereby appointed commissioners to lay out a public highway, beginning within three quarters of a mile east of the dwelling-house of Daniel Potter, and not further west than the dwelling-house of Daniel Meeker, junior, in the town of Johnstown, in the county of Montgomery, and from thence to the northern boundary of the township of Benson; which public highway the said commissioners, or any two of them, are hereby authorised to lay out in such manner as, in their opinion, will best promote the public interest.

Commission-
ers to lay out
the road.

Surveyor-general directed to sell certain lands.

II. *And be it further enacted*, That it shall be the duty of the surveyor-general to sell, at public vendue, a sufficient number of the lots in the township of Benson to produce at least the sum of two thousand dollars, first giving at least six weeks notice of the time and place of such sale.

2000 doibs. to be paid to said commissioners for opening said road.

III. *And be it further enacted*, That the said sum of two thousand dollars, when so raised as aforesaid, shall, on the warrant of the comptroller, be paid by the treasurer to the said commissioners, to be by them expended in defraying the expense of laying out, opening and making the said road: *Provided*, That the said sum shall not be paid to the said commissioners until they, with two sureties, to be approved of by the comptroller, shall execute to the people of this state a bond, in the penal sum of four thousand dollars, conditioned that the said commissioners shall faithfully expend the sum of two thousand dollars in defraying the expense of laying out, opening and making the said road, and will at any time, when thereto required by the comptroller, render a true account of such expenditure.

CHAP. CCVI.

An ACT for improving a road from Genesee River to Buffalo.

Passed June 19, 1812.

Commissioners to improve the road.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That James W. Stevens, Frederick Miller and Joseph Landon be and they are hereby appointed commissioners to superintend the improving of the road leading from the bridge over the Genesee river, in the town of Avon, to Batavia, in the county of Genesee, and from thence to the court-house in Buffalo, in the county of Niagara.

Variations may be made in the route.

II. *And be it further enacted*, That the said commissioners are hereby authorised to make such variations in the said road as they may deem necessary the improvement thereof.

III. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the said commissioners the sum of five thousand dollars out of any monies now in the treasury, or which may hereafter come into the treasury, from sales of land belonging to this state lying on the Niagara river.

The treasurer to pay 5000 dollars out of certain monies.

IV. *And be it further enacted*, That the said commissioners, before they enter upon the duties required by this act, shall execute a bond to the people of this state, to be approved of by the comptroller in the sum of ten thousand dollars, conditioned that they shall faithfully discharge the duties required of them by this act.

The commissioners shall give bond.

V. *And be it further enacted*, That in case of the death of or refusal to act of either of the said commissioners, it shall be lawful for the person administering the government of this state to supply such vacancy by the appointment of such person to fill the same as he, in his discretion, shall deem proper.

Vacancies how to be filled.

VI. *And be it further enacted*, That the said commissioners shall account with the comptroller for the expenditures in improving said road, and for any private subscriptions which may be made for that purpose, and that each of the said commissioners shall be entitled to two dollars for every day employed in performing the duties required by this act; and the account of the said commissioners shall be audited by the board of supervisors of the counties of Genesee and Niagara, the one half of which said account shall be levied and collected in each of said counties respectively, as part of the contingent expenses thereof: *And further*, That any two of the said commissioners shall be authorised to transact all business incident to the trust reposed in them by this act,

Commissioner shall account for the monies expended.

CHAP. CCVII.

An ACT for the relief of Isaac Hansen, Jacob Mancius, James Rivington, Charles Van Valkenburgh and John Mancius.

Passed June 19, 1812.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly, That on the said Isaac Hansen, Jacob Mancius, James Rivington, Charles Van Valkenburgh and John Mancius delivering to the comptroller to be cancelled, the certificates of purchase issued by the surveyor general, bearing date respectively the nineteenth day of February, one thousand eight hundred and seven, to wit: for lots number eleven and number twenty-nine, in a tract of land distinguished by the name of the Brant Lake Tract, to Jacob Mancius; for lots number five and number nine, in a tract of land distinguished by the name of the Schroon Tract, to the said Jacob Mancius; for lots number sixty-six and sixty-nine, in the said Brant Lake Tract, to Isaac Hansen, for lots number ninety and ninety-one, in the said Brant Lake Tract, to James Rivington; for lots number two hundred and fifteen and two hundred and sixteen, in the said last mentioned tract, to Charles Van Valkenburgh; for lots number forty-nine and fifty-one, in the said last mentioned tract, to John Mancius; and for lots number seven and eight, in the before mentioned Schroon Tract, that the said comptroller shall be and is hereby required to cancel the respective bonds for the purchase money of the said lots respectively of the said Isaac Hansen, Jacob Mancius, James Rivington, Charles Van Valkenburgh and John Mancius: And further, That the sales made by the surveyor-general to Harmanus P. Schuyler of lots number eighty-eight and eighty-nine, in the Brant Lake Tract; to James Van Ingen of lots number two hundred and twenty-three and two hundred and thirty-eight, in the said Brant Lake Tract; to Stephen P. Schuyler for lots number two hundred and eighteen and two hundred and nineteen, in the said Brant Lake Tract; and to Henry I. Bleecker for lots number two hundred and*

twenty-one and two hundred and twenty-two, in the said Brant Lake Tract (the interests of the said Harmanus P. Schuyler, James Van Ingen, Stephen P. Schuyler and Henry I. Bleecker, being vested in the said Jacob Mancius) and for which no certificates were issued by the surveyor-general, nor bonds for the purchase money executed by the said Harmanus P. Schuyler, James Van Ingen, Stephen P. Schuyler and Henry I. Bleecker be and the said sales are hereby annulled, revoked and made void.

CHAP. CCVIII.

An ACT for the relief of *Elizabeth Lancaster Lupton*,
and for other purposes.

Passed June 19, 1812.

WHEREAS Charles Wright, guardian of the person and estate of Elizabeth Lancaster Lupton, an infant under the age of twenty-one years, and William Lupton, of the city of New-York, have presented their petition to the legislature at their present session, setting forth and stating that the said William Lupton, and Lancaster Lupton, his brother, and John B. Johnson and Elizabeth, his wife, in right of the said Elizabeth, the sister of them the said William and Lancaster, being seized in fee simple as tenants in common in equal parts of the moiety or one undivided half part of certain lands and real estate situated and lying in the counties of Rockland, Orange, Sullivan, Saratoga, Washington and Montgomery, in this state, and they the said William Lupton, Lancaster Lupton, and John B. Johnson and Elizabeth his wife, in right of the said Elizabeth, together with Peter Roosevelt, their brother of the half blood, being seized as tenants in common in equal parts of the other moiety or half part of the same lands and real estates, the undivided parts and shares of them the said John B. Johnson and Elizabeth his wife, and the said Peter Roosevelt, were conveyed to and vested in the said William Lupton and Lancaster Lupton, as trustees upon trust, to sell and dispose of the same, and to execute conveyances

therefor to the purchasers in fee simple, and to pay over to them the said John B. Johnson and Elizabeth his wife and Peter Roosevelt respectively, their respective proportions of the purchase monies as the same should be received: and that sales and conveyances were made and executed by them the said William and Lancaster Lupton, for some part of the said lands and premises, and contracts entered into or terms agreed upon for the sale and conveyance of other parts thereof, but that the said Lancaster Lupton, before the said contract and agreements were carried into effect, died intestate, leaving Frances Platt Lupton, his widow, and the aforesaid Elizabeth Lancaster Lupton, his only child and heir at law him surviving; and that the said William Lupton, after the death of the said Lancaster Lupton not adverting to the descent upon that event of the part and share of the said Lancaster Lupton of and in the said lands and real estate to the said Elizabeth Lancaster Lupton, his heir at law, but erroneously supposing the same to accrue to him the said William Lupton as survivor, and the power to sell the same to vest in him, proceeded to carry into execution the said contracts and agreements for sales thereof which had been made in the life-time of the said Lancaster, but remained unexecuted at the time of his death; and also to make other and further sales and conveyances of further and other parts thereof, and to receive and take the considerations and purchase monies therefor to a large amount; and further setting forth and stating, that the said lands so sold by the said William Lupton, after the death of the said Lancaster Lupton as aforesaid, were sold at private sale on credit with real security for the prices and for the full value thereof at the times of the sales, and to the best advantage that sales thereof could be effected, and that the said sales were satisfactory to all the parties interested therein who were capable of judging of the same; that the said lands were sold in lots or farms to settlers, who, in full confidence in the validity of their titles, have made improvements thereon; and that it will be greatly to the advantage and for the benefit of the said Elizabeth Lancaster Lupton, the said infant, as well

as the said purchasers, that the said sales should be confirmed, and that it is very desirable for her, in her present circumstances, that her proportion of the purchase monies received for the said lands and real estate, wherein she was interested, so sold by the said William Lupton, should be accounted for and paid to her or to her said guardian for her use; that all the personal estate of the said Lancaster Lupton, at the time of his death, has been applied towards the payment of his debts; and that the real estate descended to her, the said Elizabeth Lancaster Lupton, from the said Lancaster Lupton her father, being vested in her as a tenant in common with the said William Lupton, and the heirs of the said Elizabeth Johnson, then deceased, the same, with the exception of the lands aforesaid whereof he, the said Lancaster Lupton, was seized at the time of his death as a tenant in common with the said William Lupton, John B. Johnson and Elizabeth his wife, and Peter Roosevelt, hath been sold under and by virtue of the power and provision in that behalf contained in the act, entitled "an act for the partition of lands," and that the said Frances Platt Lupton, the widow of the said Lancaster, claims to have one third part of the produce thereof set apart, and the income and interest thereof appropriated and secured to her or for her use during her natural life, in lieu and satisfaction of her dower of the said real estate whereof such sale was so made, and that the whole of the remaining two third parts thereof, if no aid can be derived from the proceeds of the sales aforesaid, so made by the said William Lupton after the death of the said Lancaster Lupton, of the lands aforesaid, wherein the said Lancaster was interested at the time of his death as aforesaid, will be exhausted by the debts of him the said Lancaster Lupton; and the whole estate and property of her the said Elizabeth Lancaster Lupton will then consist of her undivided part and proportion of the said lands and real estate whereof the said Lancaster Lupton, deceased, and the said William Lupton, John B. Johnson and Elizabeth his wife, and Peter Roosevelt were seized as tenants in common at the time of the death of the said Lancaster Lupton; that the said

lands though valuable are unsettled and unproductive, except the parts thereof so sold by the said William Lupton, and the said Charles Wright further setting forth and stating that if the said sales so made by the said William Lupton, after the death of the said Lancaster, of parts of the said lands so descended to the said Elizabeth Lancaster Lupton, should be disaffirmed, and the claim of the said Frances Platt Lupton to such provision as aforesaid, for her dower of the lands sold under the act aforesaid, should be established and allowed, there will be no revenue or productive property whatever left for the maintenance and education of her the said Elizabeth Lancaster Lupton; and that if the said sales of her said real estate, so made by the said William Lupton, are confirmed, and the produce thereof accounted for and paid to her said guardian for her use, the same will afford but a scanty support for her the said Elizabeth Lancaster Lupton during her minority, and will be wholly insufficient to enable her said guardian to give her a suitable and proper education; and that the necessities or interests of his said ward may and probably will render future sales of her real estate, or of some part thereof, desirable and expedient to be made during her minority, and before she acquires a legal capacity to make the same; and therefore praying that the sales and conveyances of the said lands and real estate wherein she the said Elizabeth Lancaster Lupton was interested, made by the said William Lupton after the death of the said Lancaster Lupton as aforesaid, may be confirmed, to the end that her share and proportion of the produce thereof may be allowed and paid to her said guardian for her use: and that suitable provision may be made by law for further sales of the real estate of her the said Elizabeth Lancaster Lupton during her minority, in case her exigencies shall be found to require the same to be done: And whereas the said Francis Platt Lupton, the widow of the said Lancaster Lupton, deceased, hath, by writing under her hand, consented to and concurred in the prayer of the said petition: and it appears reasonable and proper that the same should be granted: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the sales and conveyances made by the said William Lupton, after the death of the said Lancaster Lupton, of such parts of the lands and real estate wherein the said Lancaster Lupton was interested at the time of his death, as have been so sold and conveyed to purchasers by the said William Lupton as aforesaid, and the titles of the purchasers thereof under the conveyances of the said William Lupton therefor, as far as respects the said Elizabeth Lancaster Lupton and Frances Platt Lupton, be and the same hereby are confirmed and made valid and shall, to all intents and purposes, be held, deemed and taken to be as effectual as if the same had been made by the said Lancaster Lupton in his life time: *Provided,* That the monies made by the sale thereof be fully and faithfully accounted for and allowed and paid to her the said Elizabeth Lancaster Lupton, or to her guardian for her use.

II. *And be it further enacted,* That it shall be lawful for the chancellor of this state, for the time being, and he is hereby authorised and empowered at any time or times during the minority of the said Elizabeth Lancaster Lupton, on the application of the said Charles Wright, the guardian of the person and estate of her the said Elizabeth Lancaster Lupton, or on the application of any future guardian or guardians of the person and estate of the said infant, by petition or bill, to allow and order the sale by such guardian or guardians, under the direction of one of the masters, or such other proper officer of the court of chancery as the chancellor may designate for that purpose, or by one of the masters or other proper officer of the said court, of the real estate of her the said Elizabeth Lancaster Lupton now remaining unsold, or of any part or parts thereof, and on such terms and in such manner as he may think proper, in case he shall be satisfied that a sale or sales will be for the benefit and advantage of her the said Elizabeth Lancaster Lupton, and to make such order for the disposition, management and application of the monies to arise and be made by such

sale or sales, as may appear to him to be fit and proper: and such sale or sales, when confirmed by the court of chancery, shall be as valid and effectual, to all intents and purposes, as if made by her the said Elizabeth Lancaster Lupton, at her full age of twenty-one years, and the conveyances given for the lands so sold in pursuance of the order of the said court for that purpose, shall vest in the purchaser or purchasers thereof all the right, estate, title and interest of her the said Elizabeth Lancaster Lupton, and also of her the said Frances Platt Lupton therein at the time of such sale and conveyance thereof: *Provided*, That it shall be lawful for the said court of Chancery, on every such sale, to take such order as may appear proper to the said court, for securing to the said Frances Platt Lupton, during her life, the interest and income of one full third part of the nett monies and produce of such sale, in lieu and satisfaction of her dower of the lands so sold.

CHAP. CCIX.

An ACT authorising an additional Toll to be received at the Bridge of Schaghticoke-Point, and at the Valley Bridge, in the Town of Schaghticoke, and for other purposes.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the proprietors of the bridge at Schaghticoke-Point, and of the Valley bridge, in said town, in the county of Rensselaer, be and are hereby authorised, after the fourth day of July next, to demand and receive at each of said bridges the following rates of toll, to wit: For every person and horse, four cents; for every head of cattle, two cents; for every horse, two cents; for sheep and hogs, at and after the rate of six cents per score; for every waggon, sleigh or cart, drawn by one horse or creature, six cents, and for every additional horse or working creature, two cents; for every chaise or pleasure carriage, drawn by one horse, eight cents; for every stage-coach or phaeton, eighteen cents:

Rates of toll.

which said rates of toll it shall be lawful for the proprietors of said bridges to receive, any thing contained in the act, entitled "an act authorising John Knickerbacker, junior, and others to build a toll-bridge at Schaghticoke-Point, in the county of Rensselaer," passed March 23d, 1799, and the act, entitled "an act authorising Sanford Smith and others to build a toll-bridge over Hoosack river," passed March 9th, 1805, to the contrary notwithstanding: *Provided always*, That the proprietors of said bridges shall be subject to the same limitations and conditions as contained in the aforesaid acts.

Provided.

And whereas the commissioners appointed under the act for opening and improving a road from the village of Troy to Battenkill, have represented to the legislature that they have a considerable quantity of materials on hand, by them collected for erecting a bridge over Hoosack river, and that a toll-bridge is directed by law to be built over said river, and have therefore requested to be enabled to use the materials by them provided on the other parts of the said road: Therefore—

II. *Be it further enacted*, That it shall and may be lawful for the said commissioners, and they are hereby directed and empowered, to apply the said materials so on hand, or to sell the same, or any part thereof, and apply the monies arising from such sale, as well as any other monies in their hands for that purpose, towards building other bridges and improving the said road in the above extent thereof, any former law to the contrary notwithstanding.

Certain materials may be sold.

III. *And be it further enacted*, That the comptroller be and he is hereby authorised to loan the president and directors of the Rensselaer woollen and cotton manufacturing company, at Schaghticoke-Point, the sum of seven thousand dollars, out of any money in the treasury arising from the school fund, at the rate of seven per centum per annum: *Provided*, That the president and directors shall secure, or cause to be secured, the said sum of money to the people of the state of New-York, by a sufficient bond, conditioned

7000 dolls. to be loaned to the Rensselaer woollen and cotton company

Provided.

for the annual payment of the interest, and for the repayment of the principal in five years ; and shall also further secure, or cause to be secured, the said payments by a mortgage on unincumbered real estate, of double the value, exclusive of buildings thereon, lying within this state, to the satisfaction of the comptroller.

CHAP. CCX.

An ACT to amend an Act, entitled "*An Act to establish the Warwick and Minisink Turnpike Company*," passed 2d March, 1810.

Passed June 19, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president, directors and company, to exact and receive of and from all persons travelling or using the said road, for that part across the drowned land known by the name of Kimber's Point, the same amount of toll that they are authorised to receive for any ten miles of the remaining part of said road in the above recited act : *Provided nevertheless*, That there shall not be any greater sum of toll exacted or received for any part of the above recited turnpike road, except across the drowned land as aforesaid.

CCXI.

An ACT for the relief of Patrick Byrne.

Passed June 19, 1812.

WHEREAS Lawrence Byrne, late of the city of New-York, died without issue, having devised his property, consisting of two houses and lots of ground, in the city of New-York, to Gerrit Byrne and Patrick Byrne, his nephews, and aliens to this country : And whereas also, Patrick Byrne is a naturalized citizen of the United States, and also a nephew of the said Lawrence Byrne, deceased ; and being thus naturalized, doubts have arisen whether the property of the said Lawrence Byrne, deceased, belongs

to the said Gerrit and Patrick Byrne, the devisees and aliens above mentioned; to the people of the state of New-York, or to the said Patrick Byrne, the nephew of the said Lawrence, deceased, and a naturalized citizen; and it appearing to the Legislature that the said Patrick Byrne, the nephew and naturalized citizen aforesaid, has more just and equitable claims to the property of the said Lawrence, deceased, than the alien devisees above mentioned: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all the right, title and interest, of the people of this state of, in and to the houses and lots of ground above mentioned, be and the same are hereby vested in Patrick Byrne, the naturalized citizen above mentioned, his heirs and assigns forever.

CHAP. CCXII.

An ACT *for the appointment of Commissioners to ascertain the best method of conveying off the Waters from the Collect and Lispenard's Meadow, in the City of New-York.*

Passed June 19, 1812.

WHEREAS much uneasiness exists in the minds of many of the inhabitants of the city of New-York, respecting a street laid out in the said city, by the name of Canal-street: And whereas doubts are entertained as to the practicability of carrying off, by said Canal-street, all the waters intended to be carried off thereby: And whereas it is desirable to satisfy all parties interested therein—Now, therefore, in order that a measure of so much moment to the city of New-York may be duly and impartially investigated, before it be finally adopted, and if objectionable, that some better method may be devised and substituted in place thereof, and that for this purpose the union of skilful and judicious persons may be had on this subject.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Cor-
elius Howard, Esquire, of Baltimore, in the state of

Commissioners to ascertain the best method of carrying off the waters.

Maryland, Eli Whitney, Esquire, of New-Haven, in the state of Connecticut, and Robert Fulton, Esquire, of the city of New-York, be and they are hereby appointed commissioners for the purposes aforesaid, any two of whom shall be competent to do and perform all the duties intended by this act; and if any of them should refuse to serve, or die, or omit to attend, the vacancy occasioned by such omission, death or refusal, to be supplied by the corporation of the said city of New-York.

Their powers and duty

II. *And be it further enacted*, That the said commissioners shall have power to enter upon the grounds from whence the waters are intended to be carried off as aforesaid, and the grounds adjacent for the purposes aforesaid, and to employ such engineers, surveyors and other suitable persons, to assist them as they, or the corporation of said city, may see fit, and to take all such measures as they may deem proper to enable them to form a correct opinion as to the best method of draining off the waters from the grounds aforesaid; and their determination in the premises, reduced to writing, and signed by them, or the majority of them, and accompanied with such maps, plans, profiles, field-notes and elucidations, as the nature of the case may require, shall be returned to the legislature, at their next fall or winter session, and if approved of and accepted by them, shall be final and conclusive; and the said maps, plans, profiles, field-notes and elucidations, shall be filed of record in the office of the register of the city and county of New-York, and a duplicate thereof shall be made and belong to the mayor, aldermen and commonalty, of the aforesaid city of New-York; and if the said commissioners shall omit to make such return during either of the sessions before mentioned, this act shall be void.

And whereas the corporation aforesaid have executed bonds to the owners of the ground taken for the aforesaid Canal-street, and the expenses incurred under the act for laying out the same, entitled, "an act respecting streets in the city of New-York," passed March 24th, 1809, have been assessed by the commissioners appointed for that purpose, under the said act,

among and upon the owners and occupants of houses and lands deemed by them to be benefitted thereby, one-third part of which assessment has been paid by the inhabitants of said city, and two-third parts of which assessment yet remain to be paid by the owners and occupants aforesaid, according to the act before mentioned, passed the 24th of March, 1809: Therefore—

III. *Be it enacted*, That all further collections of said assessment, except in such cases wherein the corporation of said city shall determine otherwise, shall be suspended until the commissioners hereby appointed shall have made their report in writing as aforesaid: *Provided*, That such said assessments, in case Canal-street aforesaid shall be continued as at present laid out, shall be paid to and recoverable by the said mayor, aldermen and commonalty, with interest thereon from the time of passing this act: *And provided also*, That nothing in this act shall be so construed as to render the mayor, aldermen and commonalty, in any case liable to refund any monies received by virtue of any of the assessments aforesaid.

Collection of
assessment
to be sus-
pended.

Proviso.

Further pro-
viso.

IV. *And be it further enacted*, That the commissioners aforesaid shall make estimates of the total amount of all expenses incurred, and of the just compensation due to them for their services, and of all persons employed by them or by the corporation of New York, which sums, after being allowed by the said corporation as just and reasonable, shall be paid to said commissioners by said corporation.

Compensa-
tion of the
comm'rs.
how to be
made.

CHAP. CCXIII.

An ACT for the Relief of the Persons therein mentioned.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to James Rose, late a soldier in the army of the United States, in the same manner as has been

Lands to be
granted to
James Rose.

for the services of the said Samuel Conklin, rendered as a soldier in a regiment commanded by colonel Lewis Dubois, during the revolutionary war.

To J. and S.
Garrison.

IX. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to issue letters patent to John Garrison and Samuel Garrison, heirs of Samuel Garrison, as tenants in common, for two hundred acres of land, in the tract set apart for the use of the troops in the line of this state in the army of the United States, as a compensation for the services of the said Samuel Garrison, rendered as a soldier in a regiment commanded by colonel Lewis Dubois, during the revolutionary war.

To Josiah
Goldsmith.

X. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to issue letters patent to Josiah Goldsmith, in trust for himself and the other heirs of Ezra Goldsmith, deceased, for two hundred acres of land, in a tract set apart for the use of the troops in the line of this state in the army of the United States, as a compensation for the services of the said Ezra Goldsmith, rendered as a soldier in the line of this state, during the revolutionary war.

To David
Lambert.

XI. *And be it further enacted*, That it shall be lawful for, and the commissioners of the land-office are hereby required to issue letters patent to David Lambert, for two hundred acres of land, in a tract set apart for the use of the troops in the line of this state in the army of the United States, as compensation for his services as a soldier in the line of this state, during the late revolutionary war.

To James
Ivory.

XII. *And be it further enacted*, That it shall be lawful for, and the commissioners of the land-office are hereby required to issue letters patent to James Ivory, for two hundred acres of land, in a tract of land set apart for the use of the troops in the line of this state in the army of the United States, as a compensation for his services as a soldier in the line of this state, during the late revolutionary war.

To Elias
Willard.

XIII. *And be it further enacted*, That it shall be lawful for, and the commissioners of the land-office

are hereby required to issue letters patent to Elias Willard, for six hundred acres of land, in a tract of land set apart for the use of the troops in the line of this state in the army of the United States, as a compensation for his services as a surgeon and surgeon's mate in the line of the army of this state in the service of the United States, during the late revolutionary war.

XIV. *And be it further enacted,* That it shall and may be lawful for the said commissioners, and they are hereby required to issue letters patent to Giles Wolcott, for six hundred acres of land, in the tract aforesaid, in full for his services in the late war. To Giles Wolcott.

XV. *And be it further enacted,* That it shall and may be lawful for the commissioners of the land office and they are hereby required to grant letters patent to John G. Wilson, for two hundred acres of land, in the tract set apart for the use of the line of this state serving in the army of the United States, as a gratuity for his services as a private soldier in the late revolutionary war. To John G. Wilson.

XVI. *And be it further enacted,* That it shall and may be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to the heirs of Benjamin Gillett, deceased, for two hundred acres of land, in the tract set apart for the use of the line of this state serving in the army of the United States, as a gratuity for the services of the said Benjamin Gillett, during the late revolutionary war. To the heirs of B. Gillett.

XVII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, is authorised and required to pay to James W. Wilkin and Seth Marvin, in trust for Jesse Miller, the sum of two hundred and forty-two dollars and twenty-two cents, with interest at the rate of six per centum per annum, out of any money in the treasury, from the first day of January, in the year of our Lord one thousand seven hundred and eighty-two, in full for the arrears of pay due to him as a corporal serving in the line of this state in the army of the United States, in the late revolutionary war. Money to be paid in trust for Jesse Miller.

CHAP. CCXIV.

An ACT for the relief of the heir and devisees of Amos Searing, deceased.

Passed June 19, 1812.

WHEREAS William Jordon and Samuel West, executors of the last will and testament of Amos Searing, late of the town of Hillsdale, in the county of Columbia, have, by their petition to the legislature, represented that the said Amos died seized of a real estate situate in the counties of Greene and Columbia, charged with the payment of legacies to a large amount, and the residue of his real and personal estate he devised to his infant son, whose interest will be greatly promoted by the sale of the real estate for the payment of the debts and legacies of the testator: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* William Jordon and Samuel West, of the town of Hillsdale, be and they are hereby appointed trustees, with full powers to them to grant, bargain and sell the real estate of which Amos Searing, late of Hillsdale, in Columbia county, deceased, died seized, and that they may execute good and sufficient deeds and conveyances in the law for the same to the purchaser or purchasers thereof.

II. *And be it further enacted, That* the trustees shall appropriate so much of the monies arising from the sale of said property to the discharging of the debts and legacies of the said Amos Searing as ought to be so applied, and shall, by an order of the court of chancery of this state, be directed to be so applied, and the remainder of the monies arising from the proceeds of said sale, after deducting their reasonable costs and charges, shall be by them paid to the residuary devisee, agreeable to the said will and testament of said Amos Searing; and the trustees aforesaid shall put out such remainder on good and sufficient security, for the use of the said heir and residuary devisee, to be paid to them, with the accumulation thereof, if any, when he shall arrive at lawful age, the interest thereof, or so

much of the said interest as may be necessary for the purpose, to be applied in and towards the maintenance and education of the said residuary devisee during his minority.

III. *And be it further enacted*, That the said trustees, before they enter on the execution of said trust, shall execute a bond to the said heirs with two sureties to be approved of by the chancellor, in such sums as the said chancellor shall direct, conditioned for the due and faithful performance of the said trust, which bond shall be filed in the office of the surrogate of the county of Columbia, for the use of the said heirs.

IV. *And be it further enacted*, That in case the said trustees, or any of them, shall die before the execution of said trust shall be completed, it shall be lawful for the chancellor of this state to appoint other trustees in their stead, who shall in all respects conform to the directions of this act.

CHAP. CCXV.

An ACT to prevent the stopping and embezzling of
lumber floating on the Hudson river.

Passed June 19, 1812.

WHEREAS great loss is sustained by those Preamble.
engaged in the rafting business, by evil disposed persons, in stopping, taking up, and destroying timber afloat in rafts and otherwise—

For remedy whereof—

I. *BE it enacted by the people of the state of New-* Penalty for
York, represented in Senate and Assembly, That if stopping
any person or persons shall stop, take up, draw to, or timber float-
lodge on the shore of Hudson river, or on any island ing in Hud-
therein, north of the city of Albany, any logs, timber, son's river.
boards or plank, without the consent of the owner or
owners thereof, every person offending in the premises,
shall, for every such offence, forfeit and pay the sum
of ten dollars, to be recovered in any court having
cognizance thereof, by any person who shall prosecute
for the same, the one half of which forfeiture, when
recovered, shall go to the overseers of the poor of the

city or town where the offence was committed, for the use of the poor thereof, and the other half to the person suing or prosecuting the same to effect; and all persons so offending, shall also be liable to the owner or owners of such logs, timber, boards or plank, for his, her or their damages.

Penalty for
altering
marks on
timber.

II. *And be it further enacted*, That if any person or persons shall cut out, alter, or deface any mark, or put a false mark upon any logs, timber, boards or plank, either afloat on any part of said river or lying on the bank or shore, or on any land where the same may have drifted, or shall convert any such logs, timber, boards or plank, to his, her or their use, not being the owner thereof, every such person or persons shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered in any court having cognizance thereof, by any person who shall prosecute for the same, the one half of which forfeiture, when recovered, to be paid to the overseers of the poor of the city or town where the offence is committed to the use of the poor of such city or town, and the other half to the person suing or prosecuting the same to effect; and all persons so offending, shall also be liable to the owner or owners of such logs, timber, boards or plank, to double the value of such logs, timber, boards or plank, which shall be so falsely marked, or on which the mark shall be so cut out, defaced or altered or which shall be so converted.

Owners may
claim and
take timber
wherever
found.

III. *And be it further enacted*, That it shall and may be lawful for the owner or owners of any logs, timber, boards or plank, wherever the same may have been drifted or carried, to take the same away, paying to the owner or possessor of the land on which the same may be found the amount of damages he, she or they may have sustained by reason thereof, and also the damages which may accrue in removing the same. And if the parties disagree as to the same, it shall be lawful for either party to apply to any two of the nearest fence viewers where such lumber may be found, and not interested therein, whose duty it shall be to determine the same at the expence of the owner of such lumber, and whose decision shall be conclusive.

IV. *And be it further enacted*, That when any timber, logs, boards or plank, in rafts or otherwise, shall be lodged on the bank or shore on either side of said river, or any island therein; and if the owner or owners shall not, within three months from and after the time such lumber shall be so lodged, take the same away, then it shall be lawful for such owner or possessor of the said land on which the same may be lodged, to describe such lumber, the quantity and mark or marks thereof, and place where the same is lodged, as near as may be, and lodge the said writing with the clerk of the city or town where said lumber shall be found, which writing shall be filed by such clerk in his office; and it is hereby made the duty of such clerk to file the same for the inspection of any person who shall request it: *Provided always*. That nothing in this act contained shall be construed to make the owner or possessor of the land whereon the lumber shall be lodged liable for the same, unless by such owner or possessor the same shall afterwards be converted or taken by his, her or their connivance.

When timber lies 3 months on any land, how to proceed.

V. *And be it further enacted*, That if no person shall, within six months after the filing of said writing as aforesaid, claim such logs, timber, boards or plank; then and in such case it shall be lawful for the owner or possessor of the land whereon the same shall be drifted or lodged, to inform the clerk of such city or town thereof, in writing from under his, her or their hand, and such clerk shall cause such lumber to be sold at public vendue, to the highest bidder, after giving notice of the time and place of such sale, by writing under his hand, to be set up in at least three of the most public places in such city or town, not less than twenty-one days previous to such sale, and one half of the net proceeds of such lumber shall be paid to the treasurer of the county wherein the same shall be found, to be appropriated in discharging the contingent expenses of such county, and the residue thereof to the owner or possessor of the land on which the same shall have lodged as aforesaid: *Provided however*, That nothing contained in this act shall be con-

If the timber is not claimed in a certain time it may be sold.

strued to include that kind of lumber called drift-wood.

Directions
respecting
the marking
of logs, &c.

VI. *And be it further enacted*, That from and after the passing of this act, every person who shall put any logs or timber into the river Hudson, or its branches, to the north west of Baker's Falls (so called) for rafting or floating down said river, or its branches, shall put his, her or their mark in a conspicuous place upon each log or stick of timber so put into said river, or its branches, above the aforesaid place, and cause his, her or their mark to be recorded by the town clerk of Queensbury, whose duty it shall be to enter the same in a book to be kept by him for that purpose, which mark shall be different from any mark previously recorded, and every person neglecting or refusing to enter his, her or their mark, as required by this act, shall in no wise be entitled to any of the benefits or advantages arising from the same, but shall forever be debarred therefrom; and the assignee or vendee of any such logs or timber shall be subject to the like regulations and restrictions; and the said clerk shall be entitled, as a compensation for entering the mark of any person, to the sum of twenty-five cents, to be paid by the person requesting his, her or their mark so to be entered, and the book kept by the said clerk as aforesaid shall be subject to the inspection of any person requiring the same: *Provided*, That nothing in this act contained shall be construed to deprive any person or persons of the privileges thereof, who shall put any logs, timber, boards or plank in said river south of Baker's falls.

proviso.

VIII. *And be it further enacted*, That a certificate of the clerk of the said town of Queensbury shall be recorded as evidence in any court within this state where any cause shall be pending of the entry of the mark of any person in the book kept by him for that purpose.

CHAP. CCXVI.

An ACT for opening and making a road between the city of Albany and the river St. Lawrence.

Passed June 19, 1812.

WHEREAS a great and more direct road leading from the city of Albany to some place near the foot of sloop navigation on the river St. Lawrence, is deemed of considerable importance, and would greatly benefit the people of this state. Preamble

I. *Be it therefore enacted by the people of the state of New-York, represented in senate and assembly,* That the commissioners of the land office are hereby authorised and directed to sell or dispose of twenty thousand acres of land belonging to the people of this state, in Totten and Crossfield's purchase, for the purpose of opening and making a great and more direct road leading from Albany to some place near the foot of sloop navigation on the river St. Lawrence, at such price as they may consider the same to be worth, and payable at such times as may be deemed by them proper for accomplishing the object hereby intended, and that the monies arising from such sale shall be paid over to the treasurer of this state for the purpose aforesaid.

Land sold to improve the road.

II. *And be it further enacted,* That there shall be assessed, paid and collected, for the purpose of opening and making the said road, viz : On every acre of land lying within one mile of the said road, a sum not exceeding ten cents nor less than five cents ; and for every acre of land lying within two miles and more than one mile from said road, a sum not exceeding four cents nor less than two cents ; (except the land belonging to the people of this state,) the assesment to be proportioned to the value of the land, between where the said road shall enter the southerly part of Totten and Crossfield's purchase, and northerly to where the said road shall intersect the St. Lawrence turnpike road.

Assesments how made.

III. *And be it further enacted,* That the person administering the government of this state, is hereby authorised to appoint three commissioners for the pur-

Commissioners appointed.

To make
assessments.

Comptrollers
duty.

Provido.

pose of exploring and marking out the route for said road, which commissioners shall have power to open and make the same in such direction as they shall think most advisable for the public good, and also to make the assessment on the lands herein made subject to this tax as aforesaid; and the said commissioners are hereby required, as soon as may be after the route of the said road shall be marked and fixed upon by them to examine and make a fair assessment on the lands herein made subject to this tax as aforesaid, which assessment shall be in writing, and shall ascertain and describe the parcels of land, so assessed, as accurately as may be, and the same shall be filed in the comptroller's office whose duty it shall be to give notice in some newspaper printed in the city of Albany, and some newspaper printed in the city of New-York, for three successive weeks, that he has received an assessment of a tax made agreeably to this act, and that unless the said tax shall be paid within six months from the date of said advertisement it shall then be the duty of the comptroller to give notice in two newspapers aforesaid describing particularly all the land on which the tax aforesaid shall remain unpaid, that such land will be sold by the said comptroller in the city of Albany to the highest bidder, or so much of the same as may be necessary to raise the amount of the sum so assessed and remaining unpaid, together with all the expenses that shall have arisen on account of advertising and selling and conveying the same on such day as he shall fix, not exceeding four months nor less than three months from the date of the advertisement; and the said comptroller shall be and is hereby authorised to make a conveyance to the purchasers of the land so sold, and which conveyance shall vest the absolute title thereof to the purchaser in fee simple: *Provided*, The owner of such land so sold and conveyed by the said comptroller, shall not, within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum he shall have paid for the same, together with interest at the rate of fourteen per centum per annum, and the money so received by the comptroller shall be paid to the treasurer of this state

for the purpose of making the road aforesaid; and it shall be the duty of the treasurer to pay over said money, together with the money received from the commissioners of the land office, to the commissioners appointed under this act as the same shall be wanted for the purpose of making the road between the St. Lawrence turnpike road and the southerly boundary of Totten and Crossfield's purchase; and the comptroller shall require the said commissioners to account for the same according to law.

IV. *And be it further enacted*, That each of the commissioners appointed under this act shall give bond with surety to be approved of by the comptroller of this state for the sum of twenty thousand dollars, with condition faithfully and punctually to perform all things required of him by this act according to the true intent and meaning thereof, which bonds shall be deposited in the comptroller's office before they shall receive any of the aforesaid money.

The commissioners shall give bond.

V. *And be it further enacted*, That the commissioners appointed under this act shall each of them be entitled to receive two dollars for each and every day's service in which they shall be employed in exploring, marking and laying out the said road, together with the wages and necessary expenses of such persons as they shall necessarily employ to assist them in executing the same; and that the said commissioners shall be entitled to and receive five per cent on all the monies which they shall expend for the purposes of opening and completing the road, as a compensation for making the assessment on the land as well as contracting for and superintending the completion of the said road.

Their compensation.

VI. *And be it further enacted*, That it shall be lawful for any person or persons, or for any incorporated bank, to pay into the treasury of this state, at the request of the commissioners, any sum or sums of money he or they may be disposed to advance for the purposes of opening and making the said road, which money so advanced shall be repaid him or them by the treasurer on the warrant of the comptroller, with the

Monies advanced shall be repaid by the treasurer.

interest at seven per cent out of the avails of the land hereby directed to be sold, or of the money paid in on the assessment hereby directed as the commissioners shall agree.

CHAP. CCXVII.

An ACT *authorising the Comptroller to loan money to John F. Fairchild and others.*

Passed June 19, 1812.

WHEREAS the usefulness to the state of establishing domestic manufactories has long been felt and acknowledged. And whereas it has been represented to the legislature, by John F. Fairchild, William Fairchild and Anson Higby, that they have been at considerable expense in erecting buildings and making other necessary arrangements for a manufactory for the purpose of manufacturing woollen cloth in the county of Otsego, but for want of a sufficient capital they have hitherto been prevented from the complete execution of their designs: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to loan to the said John F. Fairchild, William Fairchild and Anson Higby, a sum not exceeding five thousand dollars, at the rate of seven per cent per annum, out of the first unappropriated monies belonging to the school fund that may be in the treasury of this state, and that the comptroller be authorised to draw his warrant on the treasurer for the same: *Provided*, That the said John F. Fairchild, William Fairchild and Anson Higby shall produce security on real property, to the satisfaction of the comptroller; in double the amount of the sum loaned for the payment of the same, with interest annually, within five years from the date thereof.

CHAP. CCXVIII.

An ACT for the Relief of Richard Rickeman.

Passed June 19, 1812.

WHEREAS, upon the petition of James Rickeman, John Vark, and Gertrude his wife, Samuel Romaine, and Catharine his wife, Deborah Rickeman, (by the name and description of Deborah Rickeman, widow and relict of Richard Rickeman, deceased,) in behalf of herself and children, and as guardian and representative of those children, to wit : Aaron, Richard, Eliza and Samuel, infants under age ; Jemimah Rickeman, widow and relict of Aaron Rickeman, deceased, in behalf of herself and children, and as guardian and representative of those children, to wit : Nancy, Rachel, Maria, Sarah, Jemimah and Eliza, infants under age ; Gilbert Coutant, as assignee, who purchased the undivided right, share and title, of John Rickeman, one of the right heirs of Rachel Rickeman, deceased ; and of Hannah Rigue, the wife of Frederick Rigue, one other of the said right heirs, and Henry Oblenis, and Rachel his wife, (styling themselves the right heirs and legal representatives of Rachel Rickeman, late of the city of New-York, deceased,) representing to the Legislature that they, the said petitioners, had, by mutual agreement, come to an amicable settlement and partition of all the real estate of the said Rachel Rickeman, deceased ; and in pursuance of such agreement, had received from James Rickeman, first above named, who was trustee to the said estate of the said Rachel Rickeman, deceased, after her decease to convey the same to and among her right heirs and their representatives, a deed and conveyance of all such real estate, pursuant to the said division and agreement, and had caused the said deed and conveyance to be recorded in the office of the clerk of the city and county of New-York, and declaring themselves to be therewith fully content, and praying that the same partition might be finally established and confirmed, in all respects as if the said infants had been of full age and had consented thereto, and in all other respects whatsoever, the Legislature did, in and by a certain

act, entitled "an act for the relief of the heirs and representatives of Rachel Rickeman, deceased, for ratifying and confirming the partition of the estate of the said Rachel Rickeman, and for other purposes," passed April the 6th, 1807, among other things, validate, establish and confirm, the said partition and division of the real estate of the said Rachel Rickeman, deceased, set forth and described in the aforesaid indenture and conveyance, in form aforesaid, made by agreement of the said parties, to every legal intent and purpose in as full and ample a manner as if all the parties concerned therein, and the infants above named, had executed the same, and, at the time of such execution, had been of full age; and did also, in and by the said act, upon the further prayer of the said petitioners in the said petition set forth, appoint Mangle Minthorne, Dirck Ten Broeck and William Palmer, trustees, with full power to them, or any two of them, among other things, to grant, bargain, sell and dispose, of lot number sixteen, designated and set apart in and by the said partition and division, and conveyed to the children and heirs of Richard Rickeman, and Deborah his wife, either for cash or upon credit, in part or in whole, and to execute a good and sufficient deed or deeds of conveyance in the law for the same to the purchaser or purchasers thereof; and the said Mangle Minthorne, having declined and refused to serve, or to take upon him self the execution of the said trust, the Legislature did also, in and by a certain other act, amendatory of the act above in part recited and referred to, passed March 25th, 1808, appoint William Kline a trustee, in the room, place and stead, of the said Mangle Minthorne, with the same power and authority, and in all respects under the same restrictions and duties, and subject to all and singular the directions contained in the aforesaid act, (first above mentioned and referred to) respecting the said trustees: And whereas the said acts respectively were passed, and the aforesaid partition of the estate of the said Rachel Rickeman, deceased, was made, upon the representation and belief that Richard Rickeman, therein named and herein above mentioned, was dead; and in consequence of such be-

lief the part or share of the said Richard Rickeman, of and in the said estate of the said Rachel Rickeman, deceased, was, in and by the said partition, set apart, granted and conveyed, and, by the aforesaid act first above mentioned, was declared to be confirmed to the children and (supposed) heirs of him, the said Richard Rickeman, and Deborah his wife : And whereas it is since ascertained that the said representation, as to the death of the said Richard Rickeman, was founded in mistake, and the said Richard Rickeman, (being in full life) hath, in his proper person, presented his petition to the Legislature, praying that the part or share of him, the said Richard Rickeman, of and in the aforesaid estate of the said Rachel Rickeman, deceased, (and which, upon the aforesaid partition, was set apart, granted and conveyed, to the children and (supposed) heirs of him, the said Richard Rickeman, and Deborah his wife, as aforesaid) may be re-conveyed to or re-vested in him, the said Richard Rickeman, or that such other act may be passed in relation to the same as, in the opinion of the Legislature, may be just and proper : Wherefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said part or share of the said Richard Rickeman, of and in the aforesaid estate of the said Rachel Rickeman, deceased, and which, in and by the aforesaid partition, was set apart, granted and conveyed, (or intended so to be) to the said children and heirs of the said Richard Rickeman, and Deborah his wife, as aforesaid, be and the same is hereby declared to be vested in and confirmed to the said Richard Rickeman, as fully and absolutely, to all intents and purposes, as if he, the said Richard Rickeman, had been a party to the said partition, and had, together with all the parties therein named or interested, duly agreed to and executed the same : Provided always, That nothing herein contained shall be deemed or construed to invalidate or affect the aforesaid partition, so far forth as the several other parties therein named, or any other person or persons claiming from or under them, or any of them, are or may be interested or concerned, but

that the same and every part thereof, except in so far as it relates to the aforesaid part or share of the said Richard Rickeman, be and the same is hereby ratified, established and confirmed: *And provided also, and be it further enacted*, That all sales and conveyances, (if any there have been) which may, before the passing of this act, have been made by the trustees above named, or any of them, pursuant to the power and authority vested in them by the several acts above mentioned and referred to, or either of them, shall be held and deemed, and the same are hereby declared to be valid and effectual, to all intents and purposes whatsoever.

II. *And be it further enacted*, That the power in and by the aforesaid several acts, or either of them, vested in or given to the before mentioned trustees, or any or either of them, so far forth as the same relates to or can affect the part or share aforesaid of the said Richard Rickeman, of and in the aforesaid estate of the said Rachel Rickeman, deceased, or any part or parcel thereof, be and the same is hereby revoked, annulled and made void; and in case the said trustees, or any of them, shall, before the passing of this act, have made any sale or conveyance of the said part or share of the said Richard Rickeman, or any part or portion thereof, the said trustees shall forthwith account for and pay to the said Richard Rickeman the proceeds thereof, and assign and transfer to him any securities which they may have taken for the same, or any part thereof, first deducting and retaining all reasonable expenses, costs and charges, which they may have incurred in the execution of their trust, and also all such monies as they, or either of them, may have bona fide paid or applied, under and in pursuance of any direction or authority in that respect contained, in the acts herein before mentioned and referred to, or either of them; and upon such account being rendered, and such payment and transfer being made to the said Richard Rickeman, his executors or administrators, the said trustees, and each of them, shall be fully and absolutely exonerated and discharged from all liabilities, claims and demands, upon or against them, or either of them, for or by reason of the premises.

CHAP. CCXIX.

An ACT to incorporate the Onondaga Manufacturing Company.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Joshua Forman, Thaddeus B. Wakeman, William Kirkpatrick, John Young, John Adams, Gordon Needham, William H. Sabin, Samuel P. Hawley and such others as now are or may be hereafter associated with them for the purpose of erecting a cotton and woollen factory, on the Onondaga creek, in the town of Onondaga, and their successors, be and are hereby ordained a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Onondaga Manufacturing Company," and by that name they and their successors, for fifteen years hereafter, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "the president and directors of the Onondaga manufacturing company," shall in law be capable of purchasing, holding and conveying, any lands, tenements, hereditaments, goods and chattels whatsoever, necessary to the objects of this incorporation.

J. Forman
and others,
incorporated

Their style,
&c.

II. *And be it further enacted,* That the stock, property and concerns of the said corporation, shall be managed and conducted by five directors, who shall be annually elected on the first Monday in June, at such time of the day, and at such place, in Onondaga aforesaid, as the bye-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than ten days previous thereto, in one of the public newspapers printed in the county of Onondaga; and the election

Five directors to be chosen yearly.

Elections how to be held.

shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share of the stock having one vote, and the persons having the greatest number of votes shall be the directors; and whenever any vacancy shall happen among the directors by death, resignation or removal out of the state, such vacancy shall be filled for the remainder of the year by the remainder of the board for the time being; and that Joshua Forman, John Adams, William Kirkpatrick, William H. Sabin and Gordon Needham, shall be the first directors, and hold their offices until the first Monday in June, in the year one thousand eight hundred and thirteen.

First directors.

Election may be made on any day if neglected on the day fixed

III. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day when, pursuant to this act, it ought to have been done, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Amount of stock.

IV. *And be it further enacted*, That the capital stock of the said corporation shall not exceed fifty thousand dollars, and that a share of the said stock shall be twenty-five dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively, at such time and in such proportion as they shall see fit, under pain of forfeiture of their shares, and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to be made, and thirty days previous notice of such call and demand shall have been published in one of the newspapers printed in said county.

Bye-laws may be made

V. *And be it further enacted*, That the directors for the time being shall have power to make and prescribe such bye-laws, rules and regulations, as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said corporation; the duties of the officers,

artificers and servants, by them employed; the election of directors, and all such matters as appertain to the concerns of the said corporation; to appoint such and so many officers, clerks and servants, for carrying on the business of the said company, and with such allowances and salaries as to them shall seem meet: *Provided*, That such bye-laws be not inconsistent with the constitution and laws of this state or of the United States.

VI. *And be it further enacted*, That the stock of the said company shall be deemed and considered personal estate: *Provided always*, That for all debts which shall be due and owing by the said company, the persons composing the said corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, on any suit or action to be brought or prosecuted after the dissolution of the said corporation: *And provided also*, That nothing in this act contained shall be construed to authorise or empower the said company to use their funds, or any part thereof, in any banking transaction, or in the purchase of the bank stock of any bank in the United States, or any other public stock.

Stock considered personal estate.

Provided

VII. *And be it further enacted*, That it shall and may be lawful for the president and directors of the Onondaga manufacturing company, or their successors in office, to erect a grist-mill for the use and benefit of the said company: *Provided*, That the individuals composing said company shall at all times hereafter be responsible, both in their individual and corporate capacity, for all debts contracted in erecting said mill, and for keeping the same in repair: *And provided further*, That the said company shall not at any time employ any part of their capital in the purchase of grains and manufacture of flour, or in any wise carry on the business of manufacturing of flour, at the said mills or elsewhere, for their corporate account and profit.

A grist-mill may be erected.

Provided

VIII. *And be it further enacted*, That the directors hereafter to be elected shall proceed, as soon after their election as may be convenient, to appoint one of their number to be their president.

A president shall be chosen.

A dam may
be erected
across Onon-
daga creek.

Proviso.

This is a
public act.

IX. *And be it further enacted*, That it shall and may be lawful for the said president and directors to erect a dam across the Onondaga creek, at any place south of the Seneca turnpike road, and to take the water out of the channel of the said creek for the use of said factory and mill, any thing in the "act to regulate highways," passed 8th April, 1801, to the contrary notwithstanding: *Provided*, That the said president and directors shall provide a sufficient lock for the passage of boats by said dam, whenever the said creek shall be used for the purpose of navigation, and such lock shall be determined to be necessary by the judges of the court of common pleas in and for the county of Onondaga, or the Legislature of this state.

X. *And be it further enacted*, That this act shall be, and hereby is declared to be a public act, and the same shall be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

CHAP. CCXX.

An ACT for dividing the Town of Cato, in the County of Cayuga, and for annexing a part of the Town of Delhi, to the Town of Walton.

Passed June 19, 1812.

Town of
Sterling
erected.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first Monday in April next, all that part of the town of Cato called Sterling, in the county of Cayuga aforesaid, beginning at the north-east corner of the town of Sterling, on the shore of Lake Ontario; from thence south, to the south-west corner of the town of Hannibal; from thence west, to the north-west corner of the town of Cato; thence, the same course continued, to the town of Wolcott; thence north, along the east bounds of the said town of Wolcott, to Lake Ontario; and thence along the said Lake to the place of beginning, be and is hereby erected into a separate town, by the name of Sterling, and that the first town-meeting be held at the dwelling-house of John Cooper, in said town.

II. *And be it further enacted*, That all the remaining part of the town of Cato shall be and remain a separate town by the name of Cato, and that the next town-meeting shall be held at the dwelling-house of John C. Barnes, in said town of Cato.

III. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the said towns of Cato and Sterling, on notice being first given for that purpose, shall meet together and divide the money and the poor belonging to the town of Cato previous to the division thereof, agreeably to the last tax-list, and and that each of the said towns shall forever thereafter respectively maintain their own poor.

Poor and
poor money
divided.

IV. *And be it further enacted*, That that part of the town of Delhi, in the county of Delaware, between the south-westerly line of the tract of land formerly called Leake's patent, now Norton's tract, and the town of Walton, be and the same is hereby annexed to the town of Walton.

Part of Delhi
annexed to
the town of
Walton.

CHAP. CCXXI.

An ACT to amend an Act, entitled "*An Act to incorporate the Stockholders of the Woodstock Glass Manufacturing Society.*"

Passed June 19, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That the place for holding the election for directors of the said corporation, incorporated by the act, entitled "an act to incorporate the stockholders of the Woodstock glass manufacturing society," shall hereafter be such place in the state of New-York, although the same be not in the county of Ulster, as the directors, or a majority of them for the time being, shall and may, by bye-law or otherwise, appoint, any thing in the said act to the contrary notwithstanding: *And further*, That the said corporation shall hereafter be known and called by the name of the "Woodstock glass company," and by that name shall be entitled to all

the rights, privileges and immunities, and subject to all the liabilities, provisos and conditions, in the said act contained, or to which the said corporation is now entitled or subject.

II. *And be it further enacted*, That the said corporation shall not have been, or be deemed or taken to be dissolved or forfeited, by reason of any irregularity, if any, in the elections heretofore had for directors of the said corporation; but that the elections heretofore had, and the acts and proceedings of the directors so elected, shall be deemed and taken to be as valid, to all intents and purposes, as if no irregularity had occurred in such election, or any of them.

CHAP. CCXXII.

An ACT for the endowment of the College of Physicians and Surgeons of the Western District.

Passed June 19, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the comptroller of this state, as soon as may be after the passing of this act, shall, on behalf of this state, assign and transfer, unto the trustees of the college of physicians and surgeons of the western district, and to their successors in office, bonds and mortgages, executed to the people of this state for lands heretofore sold on the late Oneida reservation, to the amount of ten thousand dollars, including principal and interest now due thereon,

CHAP. CCXXIII.

An ACT for the Relief of Mathias Hafman and others.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the surveyor-general, and he is hereby directed to appoint two proper persons, to ap-

praise and make out a true valuation, exclusive of improvements, of a strip of land lying on the south side of lot number forty, in the township of Aurelius, in the town of Brutus, and make returns thereof to him within six calendar months from the passing of this act.

II. *And be it further enacted*, That whenever such valuation or appraisement shall be made and returned, as directed in the first section of this act, it shall be lawful for the commissioners of the land-office to grant letters patent to Mathias Huffman, Ebenezer Phelps and William Barnes, in severalty, for the land in said strip, adjoining to the land which they respectively own in the subdivision of the said lot, upon their paying one-fourth part of such valuation and appraisement into the treasury of this state by the first day of January next, and securing the remainder thereof by bonds and mortgages respectively to the people of this state, to be paid in three equal annual payments, with interest at the rate of six per cent. per annum: *Provided nevertheless*, That said letters patent shall be issued on or before the first day of January next, and that the expenses of such appraisement be averaged among the said purchasers, and added to the price or valuation of said lots respectively.

CHAP. CCXXIV.

An ACT to incorporate the Peekskill Turnpike Company.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Samuel Strang, Joseph Ferris, Benjamin Ward, John Hyatt, Abraham Smith, Esquire, John Crain, Esquire, and Nathaniel Baremore, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the village of Peekskill, in the town of Cortlandt, county of Westchester; to run from thence a north-easterly course, to or near the house of Benjamin Ward; from thence, the most eligible route, to or near the house of Solo-

S. Strang
and others
incorporated

Their style
and powers.

mon Fowler, in the town of York, shall be and they are hereby created a body corporate and politic, by the name of "the Peekskill Turnpike Company," and they are hereby constituted and declared a body politic, in fact and in name, and by that name they and their successors shall and may have perpetual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also may make and use a common seal, and may alter the same at pleasure; and also that they are hereby made capable in law of purchasing and conveying any estate, real or personal, to the amount of two thousand dollars.

Amount of
stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of two hundred and fifty shares, of twenty dollars each, and that Samuel Strang, Joseph Ferris, Benjamin Ward, John Hyatt, Abraham Smith, John Crain and Nathaniel Baremore, are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

One half toll-
gate to be
created.

III. *And be it further enacted*, That whereas the whole distance of said road will be about five miles, it shall and may be lawful for the said company hereby incorporated to erect on said road one half toll-gate.

Rates of toll.

IV. *And be it further enacted*, That it shall and may be lawful for the said company to exact and receive from all persons travelling on and using said road, the following rates of toll, viz: For every waggon, with two horses or oxen, six cents, and two cents for every additional horse or ox used before any waggon, cart or other carriage; for every one horse waggon or cart, three cents; for every coach, coachee, phaeton or curicle, with two horses, twelve and an half cents; for every sulkey, chair, chaise or one horse carriage, six cents; for every coach, coachee or phaeton, drawn by one horse, ten cents; for every cart, drawn by two oxen, four cents, and for every additional yoke, two

cents ; for every horse and rider, or led horse, two cents ; for every sleigh or sled, drawn by two horses or oxen, three cents, and for every sleigh or sled, drawn by one horse, two cents, and for every additional horse or ox, one cent ; for every score of cattle, horses or mules, ten cents, and so in like proportion for a greater or less number ; for every score of sheep or hogs, four cents, in like proportion for a greater or less number ; every stage-waggon, drawn by two horses, six cents, and for every additional horse, two cents.

Privileges.

V. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights and privileges which are given and granted by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807, and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act, except such as are herein excepted : *Provided nevertheless*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, three of whom shall be a quorum, and capable of managing the business of the said company : *And provided further*, That the chord of the arch of the road hereby authorised to be made shall not be less than twenty-two feet.

CHAP. CCXXV.

An ACT authorising the building of a toll-bridge over the Oswego River.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That Matthew M'Nare, John Waterhouse, Joel Burt, Noah A. Whitney, George Burt, Nathan Sage, Jacob Schenck, all other persons, who shall associate for the purpose of erecting a toll-bridge over the Oswego river, below and not to exceed one mile from the Oswego Falls, shall be and are hereby made a corporation, in fact and in name, by the name and style of "the Union bridge Company," and by that name they and their successors shall be persons in law capable of suing and being

M. M'Nare &
others, incor-
porated.

Their style,
&c.

sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of suits, actions and causes whatsoever, and that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the public use of the said incorporation : *Provided*, That the whole estate of the said corporation shall not exceed the sum of six thousand dollars, and shall consist of two hundred and forty shares of twenty-five dollars each : *And provided further*, That the said corporation shall in no wise build or commence to build the said bridge, until they shall have contracted with and satisfied the owners of the land on each side of said river, for liberty and permission so to do.

Proviso.

Commissioners to perform certain duties.

II. *And be it further enacted*, That Alvin Bronson, Noah A. Whitney and Jacob Schenck, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first Tuesday of September next, procure three books, and in each of them enter as follows ; We, whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay to the Union Bridge Company, the sum of twenty-five dollars for each share set opposite to our respective names, in such manner and proportion, and at such times and places as shall be determined by the said company, one of which books shall be left with each of the commissioners, who shall keep the same open for the purpose of receiving subscriptions ; and the said commissioners shall, as soon as two hundred shares are subscribed, cause an advertisement to be put up in at least five public places in the towns of Hannibal and Volney, giving at least three weeks notice of the time and place the said subscribers shall meet, for the purpose of choosing five directors, who shall be stockholders for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall, forever thereafter be the anniversary day for choosing directors, unless otherwise directed by the bye-laws of the company, and any three of the said di-

rectors shall be a quorum, and capable of transacting the business of the said company, and every act of a majority of said directors so met, shall be binding on the said company, and the said directors shall choose one of their number for their President, and one of their number their treasurer, and another of their number for their secretary; and the said president and directors may meet from time to time, and at such places and times as they shall think proper, and shall have such power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or the United States, as shall be necessary for the well ordering the affairs of the said company, and shall also have power to make bye-laws, prescribing the time, place and manner of choosing directors for the said company, and that each stockholder shall be entitled to one vote for each share of the stock of the said company which he may own.

III. *And be it further enacted,* That the president and directors of the said company shall, at the next annual election for directors, lay before the stockholders of the said company a general statement of their accounts and proceedings, which statement it shall be the duty of the president to lodge with the treasurer at least ten days previous to the annual meeting for the inspection and examination of the stockholders.

Accounts
shall be ex-
hibited to the
stockholders

IV. *And be it further enacted,* That the shares of the stock of the said company shall be deemed personal estate, and shall and may be transferable, and a certificate of such transfer shall be recorded by the secretary of the said company, in a book to be kept by him for that purpose.

Stock shall
be deemed
personal es-
tate.

V. *And be it further enacted,* That in case the said bridge shall not be erected in three years from the passing of this act, then the said company shall be dissolved.

Three years
allowed for
erecting the
bridge.

VI. *And be it further enacted,* That the said bridge shall not be less than twenty feet wide, and shall be well secured with good railing on each side thereof, and so constructed as to admit the free passage of boats and rafts; and on said President's obtaining a

Its dimen-
sions, &c.

certificate from any three of the judges of the court of common pleas of the county of Onondaga, stating that said bridge is completed agreeable to the requisition of this law, it shall be lawful for said company to have a gate erected at said bridge, and at all times may demand and take of persons crossing the same the following toll, that is to say: For every foot passenger, four cents; for every man and horse, twelve and an half cents; for every cart, waggon or other wheel carriage or sleigh drawn by one horse, eighteen cents; and if drawn by two horses, twenty-five cents, and in the same proportion if drawn by a greater number; for every horse or mule, led or driven, six cents; for every ox or other neat cattle, six cents; for every score of sheep or swine, forty cents.

Rates of toll

Subscribers deemed indebted to the company for 25 dollars on each share.

VII. *And be it further enacted*, That every person who shall subscribe the instrument prescribed in the second section of this act shall be deemed to be indebted to the said company in the sum of twenty-five dollars for each share which he shall subscribe, and the said company may sue for and recover the same; and it shall be lawful for the said company to demand from the stockholders respectively all such sums of money by them to be subscribed, at such times and in such proportions as they shall judge proper, under pain of forfeiting of their shares and all the previous payments made thereon to the said company.

After 30 years the company shall be dissolved.

VIII. *And be it further enacted*, That from and after the expiration of thirty years from and after the passing of this act, the company hereby created shall be dissolved, and the said bridge, with its appurtenances, shall become the property of the people of this state; and this act shall be deemed a public act, and be construed favorably for the purposes herein mentioned.

The toll to be reduced after 9 years.

IX. *And be it further enacted*, That after the expiration of nine years from the passing of this act, it shall be lawful for the court of common pleas of the county in which the eastern end of said bridge shall at the time be situated, from time to time, to reduce the aforesaid tolls, and that after such reduction it shall not be lawful for the said corporation to receive any more

toll than what the said court of common pleas shall have determined as the proper reduced toll of said bridge.

CHAP. CCXXVI.

An ACT *for the relief of Ambrose Parsons and Dan Clark.*

Passed June 19, 1812.

WHEREAS Ambrose Parsons and Dan Clark have, by their petition, represented to the legislature that John Winn, esquire, late of Minden, in the county of Montgomery, deceased, did, in his life time; covenant to convey to each of them, said Ambrose Parsons and Dan Clark respectively, the lots of lands herein after mentioned upon the payment by said Ambrose and Dan of the sums of money in said covenants respectively mentioned, and that the said John Winn is deceased, leaving infant heirs not having conveyed the said lots of land agreeable to his said covenant, and that said lots of land are of so little value that the expenses, upon application to the chancellor in the ordinary way, would amount to a great proportion of the value of the land, and praying that James Cochran, esquire, and Peter Winn, administrators of the goods and chattles, rights and credits, of said John Winn, deceased, might be authorised and empowered by law to perform said covenants and convey said lots of land to said Ambrose and Dan, which representation is true and request reasonable: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for James Cochran and Peter Winn, administrators of the goods and chattles, rights and credits of John Winn, late of Minden, in the county of Montgomery, deceased, to execute a conveyance in fee simple to Ambrose Parsons, his heirs and assigns of a certain lot of land lying in the town of Franklin, in the county of Delaware, known by the name of lot number six, in the sub-division of Great Lot number twelve, in a certain patent called Whitesborough, con-

taining one hundred and thirty acres, upon the said administrators receiving the sum of money, with interest, due for said land, according to a certain covenant made between said John Winn and Ambrose Parsons for said lot of land dated the first day of June, in the year one thousand eight hundred and two, and that it shall be lawful for the said James Cochran and Peter Winn, administrators as aforesaid to execute a conveyance in fee simple to Dan Clark, his heirs and assigns, of a certain other lot of land lying in said town of Franklyn and county of Delaware, known by the name of lot number four in the sub-division of Great Lot number twelve, in said patent of Whitesborough, containing one hundred and six acres, upon the said administrators receiving the sum of money with interest remaining due for said land according to a certain covenant made between said John Winn and Dan Clark, dated the fifteenth day of January, in the year one thousand eight hundred and three, which conveyance shall be as good and effectual in the law as if made by the said John Winn in his life time: *Provided nevertheless*, That no such conveyance shall be valid unless the chancellor of this state shall endorse a certificate thereon that the said covenant, respecting the land in such conveyance contained, is valid and that he approves of the same conveyance.

CHAP. CCXXVII.

An ACT *relative to the arrears of certain taxes.*

Passed June 19, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all the taxes for the town and county charges on vacant lands, which are not collectable by the collectors, shall be a lien on the land upon which the same are or may be assessed, and shall be returned in the same manner and subject to the like interest as the taxes on non-resident lands in other cases; and that payment of the taxes first above mentioned shall be enforced at the like period and in like manner as taxes on non-resi-

dents are enforced: *And further*, That the amount of taxes, when paid into the treasury of this state, shall, on the warrant of the comptroller, be paid to the treasurer of the county in which the same were assessed for the use of the county and town for which the same were intended.

CCXXVIII.

An ACT to incorporate the Ontario Manumission Society.

Passed June 19, 1812:

WHEREAS Darius Comstock and others, inhabitants of the county of Ontario, have associated Preamble. J

for the purpose of assisting those who are illegally held in slavery to the attainment of their personal liberty, and to assist in the education of people of color, whether free or enslaved, and for other purposes, and have prayed to be incorporated the better to enable them to carry into effect the object of their institution: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons as now are or hereafter shall be members of the said institution shall be and are hereby ordained, constituted and declared, for the term of twenty years, a body corporate and politic, by the name of the "Ontario Manumission Society," and by that name they and their successors shall and may have continual succession for the term aforesaid, and shall be persons in law capable of suing and being sued, impleading and being impleaded, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal; and may change and alter the same at pleasure; and that they and their successors shall be in law capable of receiving, holding and conveying any personal estate for the use of the said corporation: *Provided*, The Society incorporated.
Their style
Proviso.
capital stock of the company hereby incorporated shall at no time exceed the sum of ten thousand dollars, nor be applied to any other use than for the charitable purposes for which this corporation is created.

II. *And be it further enacted*, That all persons who

Officers of
the corpora-
tion.

First officers

Vacancies
how to be
filled.

Elections
how to be
conducted.

The direct-
ors may
make bye-
laws.

now are members of the said institution, or shall at any time hereafter subscribe to the same, shall be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be managed and conducted by one president, one secretary, one treasurer and five directors to be chosen by the members and subscribers to the said institution, on the first Monday of May in each and every year, at such house and place as shall have been previously established by the said directors and notified by their giving three weeks public notice thereof in one of the public newspapers printed in the county of Ontario, and that in every such election every person becoming a member, according to the bye-laws of the said corporation, shall have one vote and no more; and that Darius Comstock shall be president, Ira Selby secretary, Otis Comstock treasurer, and Joseph Jones, James B. Mower, Welcom Herrendeen, John Pound, Stephen Phelps directors, until the first Monday of May, which will be in the year one thousand eight hundred and thirteen, and until others be appointed and elected in their places; and that it shall and may be lawful for the said directors to appoint standing counsellors for the said corporation; and in case any vacancy shall happen among the said directors, such vacancy shall and may be filled by the other directors: that the president of the corporation shall, ex-officio, be one of the directors, and preside at their meetings, and the secretary of the corporation shall also, ex-officio, be one of the directors; and in case an election for the officers herein before named should not be held on the day herein appointed, it shall and may be lawful to hold such election on any other day in such manner as the bye-laws of the said corporation shall prescribe; and at every election to be held, by virtue of this act, it shall be the duty of the directors to preside to receive the votes and to determine what persons are elected, and the certificate of a majority of the directors shall be conclusive evidence of the election of the persons so declared to be elected.

III. *And be it further enacted,* That the directors for the time being shall have power to make and prescribe such bye-laws, rules and regulations as to them shall

appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all such matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted; and that five directors shall always be a sufficient quorum for the transaction of business and making of bye-laws, rules and regulations, which shall not be repugnant to the constitution and laws of the United States or of this state.

IV. *And be it further enacted*, That this act shall be and is hereby declared to be a public act; and shall be construed favorably for every beneficial purpose herein intended.

CHAP. CCXXIX.

An ACT *for the Relief of Nancy Fairchild, and her infant Son.*

Passed June 19, 1812.

WHEREAS Nancy Fairchild, of Lansingburgh, in the county of Rensselaer, widow of Erastus Fairchild, hath represented to the Legislature that her late husband died seized of an acre and one-fourth part of an acre of land, with a house, barn and hatter's shop, in the county of Essex; and one acre of land, with a house and barn, in Cambridge, in the county of Washington; that the buildings, which constitute a great portion of the present value of the estate, require large expenditures in repairing them; that there is no person competent to take charge of the property, and that the income from the estate is insufficient to support the said Nancy Fairchild and her infant child; but that if she is enabled to sell the same, the proceeds may be so invested as to procure a competent income for their support: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Nancy Fairchild, of Lansingburgh, in the county of Rensselaer, widow of Erastus Fairchild, who is hereby appointed trustee for

that purpose, to sell the real estate whereof the said Erastus died seized, consisting of one acre and one-fourth of an acre of land, with a house, barn and hatter's shop thereon, standing in the town of Essex, in the county of Essex; and one other acre of land, with a house and barn thereon, standing in the town of Cambridge, in the county of Washington, either at public or private sale, on the best terms she can, and to make and execute a good and sufficient deed or deeds of conveyance for the said lots of land, to the purchaser or purchasers thereof, and to his, her or their heirs or assigns forever, free from any claim of dower or other demand of the said Nancy Fairchild, or her said infant child: *Provided however*, That before any conveyance shall be executed for the said farm, the said Nancy Fairchild shall give such security as the chancellor of this state shall direct, for the faithful application and distribution of the proceeds of such sale; the evidence of which security, when executed and acknowledged, or proved before the said chancellor or other person duly authorised to take the acknowledgment of deeds, shall be filed in the office of the judge of probates of this state as of record, and an office copy thereof shall be deemed legal evidence of its contents, in all courts of justice within this state.

II. *And be it further enacted*, That the said Nancy Fairchild shall be allowed to retain one equal third part of the interest or income arising or that may arise from the consideration money of such sale or sales, for and during her natural life, in lieu of her dower; but the whole of the principal shall be and remain the property of the said infant child of the said Nancy Fairchild.

CHAP. CCXXX.

An ACT for the encouragement of Manufacturers of
Woollen Cloth, and for other purposes.

Passed June 19, 1812.

Preamble **W**HEREAS the rapid increase in the manufacture of woollen cloth within the state of New-York, and the great improvements in that branch of

national industry fully and satisfactorily evince that the bounties granted for that object have been highly useful, and that their continuance will be eminently beneficial: And it appears that an annual appropriation of a sum of money to be distributed in premiums, by the society for the promotion of useful arts, would be calculated to aid the advancement of the said manufactures, and promote other objects of the first importance to the national respectability and prosperity, and highly conducive to the wealth and happiness of the community: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the person who shall produce to the society for the promotion of useful arts, at the city of Albany, at any of their weekly meetings, during the session of the Legislature, on or before the third Tuesday of February, in each year hereafter, during the continuance of this act, the best specimen or specimens of woollen cloths, of uniform texture and quality, as nearly as may be, not less than one hundred yards, wholly manufactured in this state, and of wool produced in this state, not less than six quarters of a yard in breadth, exclusive of the list, shall be entitled to receive a premium of one hundred dollars; and that the person who shall produce, in the manner aforesaid, the next best specimen or specimens of woollen cloths, of uniform texture and quality, as nearly as may be, manufactured as aforesaid, not less than seventy-five yards, and not less than six quarters of a yard in breadth, exclusive of the list, shall be entitled to receive a premium of fifty dollars; and that the person who shall produce, in manner aforesaid, the next best specimen or specimens of woollen cloths, of uniform texture and quality, as nearly as may be, manufactured as aforesaid, at least fifty yards, not less than three quarters of a yard in breadth, exclusive of the list, shall be entitled to receive a premium of thirty dollars.

II. *And be it further enacted,* That the person who shall, in his family, or under his immediate direction, at his expense, manufacture or cause to be manufac-

Premiums to
be given on
cloth manu-
factured in
this state.

Premiums
for county or
family ma-
nufactures.

By whom
determined.

tured, within any of the counties of this state, of wool shorn from sheep owned in said county, the best specimen of woollen cloth, of uniform texture and quality, not less than thirty yards, the breadth not less than three-fourths of a yard, shall be entitled to a premium of forty dollars: that the person who shall, in his family, manufacture or cause to be manufactured as aforesaid, within any of the counties of this state, the next best specimen of woollen cloth, of uniform texture and quality, not less than twenty-five yards, the breadth not less than three-fourths of a yard, shall be entitled to a premium of thirty-five dollars: that the person who shall, in his family, manufacture or cause to be manufactured as aforesaid, the next best specimen of woollen cloth, of uniform texture and quality, not less than twenty yards, the breadth not less than three-fourths of a yard, shall be entitled to a premium of thirty dollars: which specimens respectively shall be produced to the judges, or such of them as may attend, of the court of common pleas of the county in which the said specimens were carded, spun and wove, on the third Tuesday of January in each year, at such place where the said court was last held, unless the judges of the said court shall otherwise direct: *Provided always*, That in case the said court shall sit in any of the counties on the said third Tuesday of January, then and in that case the specimens of such county shall be presented where the court is so held; and the said judges of the respective counties of this state, or such of them as shall attend shall, on that or on the succeeding day, examine and determine who are entitled to the said premiums; and in case that no more than two of the said judges shall attend on the said third Tuesday of January in each year, then the clerk of the county shall be associated with the said two judges in examining the said specimens, and determine who are entitled to the said premiums; that when two or more of the said judges shall attend, then the judges so attending shall make the examination and determination aforesaid; and in either case previous to such determination, the said persons so attending are hereby authorised to determine as aforesaid, or a major.

them, shall require such reasonable proof that the several specimens so exhibited were actually carded, spun and wove in such county; and shall immediately after such determination in each year, during the continuance of this act, make duplicate certificates of such determinations respectively; one whereof shall be securely attached to a piece, being at least one quarter of a yard, of each specimen of cloth adjudged to be the best as aforesaid, and sent to one of the secretaries of the society for the promotion of useful arts, before the third Tuesday of February in each year hereafter, during the continuance of this act, and the other to the comptroller; and the said clerks respectively are hereby directed, at the time last aforesaid, by writing, to inform the secretary or vice-president of the said society, residing in the city of Albany, of the whole number of specimens of woollen cloth exhibited annually as aforesaid, in their respective counties, together with the total number of yards so exhibited.

III. *And be it further enacted*, That any person may be a candidate for the state premiums for domestic or family manufactures, without being so for the county premiums: *Provided*, That instead of sending a specimen, such person shall send the whole piece of thirty yards, and not less than three-fourths of a yard in breadth, to the society for the promotion of useful arts, accompanied with such proof as they shall deem satisfactory, that the said cloth was manufactured in the manner directed by the second section of this act, within this state, from wool raised within the same.

IV. *And be it further enacted*, That no person shall be entitled, in any one year, to more than one of the premiums for cloth of domestic manufacture, to be adjudged by the judges of the court of common pleas in the respective counties; and the judges of the said courts who shall attend for the purpose of performing the duties enjoined by this act, shall respectively receive two dollars for each day's attendance, and the amount to be paid for such services shall be levied and collected in the same manner as the contingent charges of such county are by law directed to be levied and collected.

No person shall be entitled to more than one of the county premiums in one year.

Premiums
by whom to
be adjudged.

V. *And be it further enacted*, That the society for the promotion of useful arts shall, on the second Wednesday of March in each year, by a plurality of voices, determine on the several specimens sent from the several counties aforesaid, on the first, second and third best specimens of such county domestic manufactured woollen cloth; and shall adjudge to the first quality, ninety dollars, to the second, eighty dollars, and to the third, seventy dollars, each in a piece of plate, with appropriate inscriptions to designate the object for which they were respectively premiums.

Certain per-
sons in lig-
ible for coun-
ty premiums

VI. *And be it further enacted*, That no person, nor any company concerned or interested in any manufactory of woollen cloth, shall be entitled to any premium allowed by this act for cloth of family manufacture, nor to more than one of the other premiums in any one year.

Breadth of
cloth to be
presented.

VII. *And be it further enacted*, That all cloth presented for premiums shall be of the same breadth as it was when manufactured, and not less than three quarters of a yard.

Imposition
how to be
guarded
against.

VIII. *And be it further enacted*, That the said society for the promotion of useful arts shall prescribe the mode of ascertaining that the cloth was manufactured within this state, in such manner as they shall deem proper to guard against impositions.

Premiums
how to be
paid.

IX. *And be it further enacted*, That the comptroller, upon the production of the certificate of the president or either of the vice-presidents of the said society, or of the persons in each county authorised to give such certificate as aforesaid, in the cases referred to the said society, and the said county officers respectively as aforesaid of such determinations, adjudging the premiums aforesaid, shall issue his warrant for the payment of the said premiums to the persons who shall respectively be adjudged to be entitled to the same.

Duration of
this act.

X. *And be it further enacted*, That this act shall continue in force for three years, and no longer.

Cloth of
equal quali-
ty how to be
determined.

XI. *And be it further enacted*, That in case of a plurality of the specimens of cloth presented to the said society for the premium to be by them awarded,

should be of equal quality in other respects, the premium shall be adjudged to that piece which shall be deemed to possess the superiority of colour and dye.

XII. *And be it further enacted,* That the south room, in the third story of the capitol, shall be appropriated for the accommodation of the society for the promotion of useful arts, instead of the middle room, now in the possession of the society, until the Legislature shall otherwise direct.

A room in
the capitol
appropriated

CHAP. CCXXXI.

An ACT *further to provide for the Improvement of the Internal Navigation of this State.*

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly,

That the commissioners mentioned in and by the act, entitled "an act to provide for the improvement of the internal navigation of the state," passed the 8th day of April, 1811, to wit: Gouverneur Morris, Stephen Van Rensselaer, De Witt Clinton, Simeon De

Commissioners authorized to make an agreement with the western inland lock navigation company.

Witt, William North, Thomas Eddy, Peter B. Porter, Robert R. Livingston and Robert Fulton, be and they are hereby authorised and empowered, on behalf of this state, upon such terms and conditions as they shall deem reasonable, to purchase all the rights, interest and estate, of the "president, directors and company, of the western inland lock navigation in the state of New-York," of, in and to the inland waters of this state, together with the locks, canals, lands and other property, which may be vested in, or which may have been acquired by the said president, directors and company, under or by virtue of any law of this state, so as to procure to the people of this state a conveyance or surrender of all the rights, interest and estate of the corporation; and in case of such conveyance or surrender being made, it shall and may be lawful for said commissioners, and they are hereby required take the charge and management of the said locks, canals, lands and all other property so by them to be

purchased as aforesaid, on behalf of the people of this state, with the like powers of appointing toll-collectors and other agents, to exact the same tolls to the use of the people of this state, and to make all such other rules and regulations in regard to the same, as the president, directors and company of the western inland lock navigation in the state of New-York, can or may now lawfully make or establish; and that every person who shall, after such conveyance or surrender, do any trespass or other injury to the said canals, locks, lands or other property aforesaid, or shall violate any of the rules and regulations so as aforesaid to be established by the said commissioners, such person so offending shall be liable to the same penalties, and shall pay the like damages as such offenders would now be liable to, for the like acts, under the bye-laws and regulations of the said corporation and the laws of this state, to be recovered in the name of the said commissioners, to the use of the people of this state: *Provided*, That nothing in this act contained shall authorise the said commissioners to make any other than a conditional purchase of the said president, directors and company, to become absolute when the said commissioners shall have satisfactory information from some experienced engineer, by an actual examination, that the accomplishment of the contemplated canal is practicable, and when the said commissioners shall be authorised by an act of the Legislature to commence their operations for opening said canal.

Proviso.

They are authorised to procure voluntary cessions of lands

II. *And be it further enacted*, That the said commissioners be and they are hereby authorised to procure any voluntary cessions or grants of any lands, to the use of the people of this state, from any person or persons, bodies politic or corporate, who may be inclined to make the same, for the purpose of the contemplated inland navigation from Lake Erie to Hudson's river, or for the purpose of establishing a fund to be applied towards the accomplishment of the said object: *And whereas* it appears by the report of the said commissioners, lately presented to the Legislature, that a favorable opportunity now occurs for procuring a loan of money on the credit of this state: *And whete*

as it is desirable that this state should possess the means of effectually prosecuting the important object of opening said inland navigation, if upon full examination by a competent and practical engineer, and mature deliberation, the Legislature shall hereafter deem it expedient to undertake that interesting work : Therefore,

III. *Be it further enacted*, That the aforesaid commissioners be and they are hereby authorised and empowered, on behalf of this state, to borrow a sum of money, not exceeding five millions of dollars, upon a loan for not less than fifteen years, and at a rate of interest not exceeding six per centum per annum, exclusive of incidental expenses of negotiating said loan ; and the said commissioners are hereby authorised to pledge the faith of this state for the payment of such interest, and for the reimbursement of said principal sums so to be borrowed as aforesaid.

They are authorised to borrow a sum not exceeding 5,000,000 dolls.

IV. *And be it further enacted*, That the sum so to be borrowed by the said commissioners be invested, in the name of the people of this state, in public stock, or such other fund or funds as, in their opinion, by and with the advice and consent of the person administering the government of this state, may be most safe and productive, with full power in the said commissioners, from time to time in their discretion, and with the consent of the person administering the government of this state, to control the monies so invested, and the interest thereof, by transferring the same, or any part thereof, from one fund to another, and upon such securities and assurances as they may deem proper, on behalf of the people of this state.

How the same shall be invested.

V. *And be it further enacted*, That it shall be the duty of the said commissioners, and they are hereby required punctually to pay the interest which shall from time to time accrue upon the monies so to be borrowed as aforesaid ; and the said commissioners shall annually make a report to the Legislature of this state, exhibiting a particular account of the monies so to be borrowed as aforesaid, of the fund or funds in which the same shall be invested, and of all payments, receipts and expenditures, relating thereto.

Interest to be paid punctually.

CHAP. CCXXXII.

An ACT to incorporate the Clason Woollen Manufacturing Society, in the town of Yonkers, in the county of Westchester.

Passed June 19, 1812.

Ensemble.

WHEREAS Thomas Nixon, Henry Remsen, Pierre C. Van Wyck, Benjamin Ferris, Martin S. Wilkins and others, have associated as a company under the style of the Clason Manufacturing Woollen Society, by their petition to the legislature, have prayed to be incorporated : Therefore,

T. Nixon &
others incor-
porated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the* said Thomas Nixon, Henry Remsen, Pierre C. Van Wyck, Benjamin Ferris, Martin S. Wilkins, Benjamin F. Haskin, George Suffern, John Gelston, Isaac Clason and all other persons who now are, or shall hereafter be associated with them for that purpose, and their successors, be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Clason Woollen Manufacturing Society," and by that name they and their successors for the term of twenty years, shall and may have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have and use a common seal, and may change and alter the same at pleasure ; and that they and their successors, by the name of "the Clason Woollen Manufacturing Society," shall in law be capable of purchasing from Isaac Clason, a tract of land situate on the river Bronx, in the town of Yonkers, and from other persons such other lands as may be deemed necessary for the objects of this incorporation, and of holding and conveying the same.

Their style
&c.

II. *And be it further enacted, That the stock, property and concerns of the said corporation shall be*

managed and conducted by directors, who shall annually be elected on the second Monday in May, at such time of the day and at such place in the town of Yonkers, as the bye-laws of the said corporation shall direct; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share in the stock having one vote, and the persons having the most number of votes shall be directors, and as soon as may be after their election, shall proceed to elect by ballot one of their number to be president, and whenever any vacancy shall happen among the directors by death, resignation or otherwise, such vacancy shall be filled up for the remainder of the year by the remainder of the board for the time being: *Provided* the number of directors does exceed five persons, and the persons to be elected shall be stockholders in at least the amount of twenty-five hundred dollars in the said corporation.

Elections held.

III. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day when pursuant to this act it ought to have been made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the bye-laws of the said corporation.

Corporation not dissolved &c.

IV. *And be it further enacted*, That the capital stock of said corporation shall not exceed five hundred thousand dollars, and that a share of the said stock shall be fifty dollars, and it shall be lawful for the directors to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such time, and in such proportion as they shall see fit, under pain of forfeiture of their respective shares, and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to have been made, and thirty days previous notice of said call and demand, shall have been given, agreeable to the bye-laws of the said corporation.

Capital stock.

Directors
may make
bye-laws, &c.

V. *And be it further enacted*, That the directors for the time being, shall have power to make and *subscribe* such bye-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties of the officers and artificers and servants by them employed, and all such matters as appertain to, the concerns of the said corporation, with power to appoint such and so many officers, clerks and servants for carrying on the business of the said company, and with such allowances and salaries as to them shall seem meet: *Provided*, That such bye-laws be not inconsistent with the constitution and laws of the United States, or of this state.

Proviso.

Stock con-
sidered per-
sonal estate.

VI. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate, and that the said company shall not use any part of their funds in any banking transaction, or in purchasing of stock in any bank of the United States, or any other public stock whatsoever, and that for all debts that shall be due and owing by the said company, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, in any suit or action to be commenced or prosecuted after the said corporation shall be dissolved; and also that this act shall be deemed and considered in all courts and places as a public act.

First direct-
ors.

VII. *And be it further enacted*, That Isaac Clason, Henry Remsen, Thomas Nixon, Benjamin F. Haskin and Ransom Hinman, be and are hereby declared directors of the said corporation for one year from the passing of this act, and until others shall be elected in their stead.

Purpose of
the corpora-
tion.

VIII. *And be it further enacted and declared*, That the said corporation is hereby erected and established solely for the purpose of manufacturing woollen cloths and blankets and for no other purpose whatever.

CHAP. CCXXXIII.

An ACT to amend the act establishing the Hudson Branch Turnpike Road.

Passed June 19, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That whenever any person shall pass around either of the gates on the Hudson Branch Turnpike Road with a view to evade the payment of toll, such person shall forfeit and pay a fine of twenty-five dollars, to be recovered as is prescribed in such cases by the act hereby amended.

CHAP. CCXXXIV.

An ACT concerning certain Quit Rents, and for other purposes.

Passed June 19, 1812.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That all proceedings for the collection of Quit Rents be suspended for two years from and after the passing of this act, as to all patents, where it shall appear from the accounts and books kept in the comptroller's office that remissions were granted or payments made on account of the quit rents due on any part of such patents, without a designation of the parts on which such remissions were granted or payments made, to the end that the persons interested in any such lands may have an opportunity of presenting the necessary documents to the comptroller, to enable him to give credit to the particular lands on which remissions were intended to have been granted or payments to have been made : And it is hereby made the duty of all persons holding certificates of remission or receipts for payments on account of quit rents on lands not specifically designated in such certificates or receipts, to produce the same to the comptroller, or such proof as shall appear satisfactory to the said comptroller, within the said

Collection of
quit rents
suspended.

Duty of
persons holding
certificates.

two years, together with such proofs, maps and explanations as shall be necessary to shew on what lands remissions were intended by any such certificates to be granted, or on which, by any such receipts, payments were intended to be made; and in case of failure to produce such certificates and receipts with the necessary proofs, maps and explanations as aforesaid, the persons interested in any such lands shall forfeit all right to such remissions and payments so made; and the comptroller shall and may thereafter proceed to the collection of the quit rents due on any such patent without regard to any such remissions or payments; and it is made the duty of the comptroller, on the production to him within the said two years, of any such certificates or receipts as aforesaid, with the necessary proofs to shew on what lands remissions were originally intended to be granted or payments made, to enter the proper credits on his books, and to give certificates thereof to the owners of the land.

Duty of persons owning lands for cited lands.

II. *And be it further enacted*, That it shall be the duty of all persons owning lands heretofore forfeited to the people of this state, to exhibit satisfactory proof to the comptroller, within two years, that their lands were so forfeited, in order that the quit rents charged thereon may be cancelled and discharged; and if any person owning lands so forfeited, shall neglect to produce such proof within the said period, he shall be liable for the costs that may be made in advertising the lands for non-payment of the quit rents appearing due thereon, and for all other costs that may accrue in enforcing the collection of such quit rents until the necessary discovery and proofs shall be produced: *Provided however*, That no forfeited lands shall be sold for non-payment of quit rents, if, at any time before the sale, the owner thereof produce the said proofs and pay the costs accrued.

Lands sold for taxes subject to all subsequent taxes.

III. *And be it further enacted*, That all lands which may be sold by the comptroller of this state for non-payment of taxes, shall be liable for all taxes imposed thereon subsequent to laying of the tax for non-payment of which such lands may be sold; and such taxes shall be a lien thereon in the same manner as before such sale;

and the comptroller in his certificates and conveyances for lands so sold shall insert a clause subjecting the purchasers of such lands to all taxes then imposed thereon.

IV. *And be it further enacted*, That the time limited for completing the navigation of the Black River, in and by an act, entitled "an act to amend an act, entitled "an act for improving the navigation of the Black River, in the county of Jefferson," passed 8th March, 1811, be and the same is hereby extended to three years from the first Monday in May next, any thing in the said recited act to the contrary notwithstanding.

Time for completing the navigation of the Black river extended.

CHAP. CCXXXV.

An ACT *for the relief of the executrix and heirs of Moses Corey, deceased.*

Passed June 19, 1812.

WHEREAS Jemima Corey, sole executrix of Moses Corey, hath by her petition to the legislature set forth, that the said Moses Corey died seized of a certain farm with the buildings thereon erected, in the town of Durham, and county of Greene, and praying to be enabled to sell the rights of the minor heirs for the discharging the debts charged on the said estate, and to distribute the legacies agreeable to the last will and testament of the said Moses Corey :—
Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That James Thompson, Obed Harvey and Thomas E. Barker, be and they are hereby appointed trustees, with full powers to them to grant, bargain and sell the equal undivided rights of the minor heirs of the said Moses Corey, and that they may execute good and sufficient deeds and conveyances in the law for the same, to the purchaser or purchasers thereof.

I. *And be it further enacted*, That the said trustees shall appropriate so much of the monies arising from the sale of the said property to the discharging

of the debts of the said Moses, as the Chancellor of this state shall certify to the said trustees is due from the estate of the said Moses Corey; and the remainder of the monies arising from the proceeds of said sale, after deducting their reasonable costs and charges, shall be by them applied towards paying the legatees and heirs of the said Moses, arrived at lawful age, agreeable to his last will; and the said trustees shall put out the sums that shall be found due, agreeable to said will, to the minor heirs, on sale of such estate, on good and sufficient security, for the sole use of the said minor heirs, to be paid to them respectively, whenever they shall arrive at lawful age.

III. *And be it further enacted*, That the said trustees, before they enter on the execution of said trust, shall execute a bond to the said heirs, with two sureties to be approved of by the Surrogate of the county of Greene, in such sums as the said Surrogate shall direct, conditioned for the due and faithful performance of the said trust, which bond shall be filed in the office of the said Surrogate, for the use of the said heirs.

IV. *And be it further enacted*, That in case the said trustees or any of them shall die before the execution of said trust shall be completed, it shall be lawful for the Chancellor of this state, to appoint other trustees in their stead, who shall in all respects conform to the directions of this act.

CHAP. CCXXXVI.

An ACT for the relief of the infant heirs of John Loudon, deceased.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Abner Wright and Isaac Everitt, of the town of Canaan, in the county of Columbia, who are hereby appointed trustees for that purpose, to sell the real estate of Lydia Lamphair,

Jesse Lamphair, Henry Lamphair, Lovina Lamphair and Rhoda Lamphair, Rhoda Loudon and Alden Loudon, infant grand children of John Loudon, late of the said town of Canaan, deceased, consisting of about forty-four acres of land and the undivided one sixth part of a saw-mill, all situate in the said town of Canaan, either at public or private sale, giving a reasonable credit for the purchase money for the greatest sum that can be obtained for the same, and to make and execute a good and sufficient deed or deeds of conveyance for the said lands and saw-mill to the purchaser or purchasers thereof, who shall hold the same to him or them, his or their heirs and assigns forever, free from any claim or demand of the said Lydia Lamphair, Jesse Lamphair, Henry Lamphair, Lovina Lamphair, Rhoda Lamphair, Rhoda Loudon or Alden Loudon: *Provided however*, That before any conveyance shall be executed for the said farm, the said Abner Wright and Isaac Everitt shall give such security to the said infants as the chancellor of this state shall direct, for the education and support, and for the faithful application and legal distribution of the surplus proceeds of such sale, if any surplus there should be, as they severally attain the age of twenty-one years: *And provided further*, That before the deed or deeds for the said real estate shall be valid and effectual, the chancellor of this state shall endorse on such deed or deeds a certificate of his approbation of the form thereof: *Provided*, That no sale shall be made in pursuance of this act unless the chancellor of this state shall deem it advantageous to the said infant heirs.

CHAP. CCXXXVII.

An ACT for the endowment of Hamilton College, and for other purposes.

Passed June 19, 1812.

1. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the comptroller of this state, as soon as may be after the passing of this act, shall, on behalf of this state, assign

Certain bonds and mortgages transferred to the trustees of Hamilton college.

and transfer unto the trustees of Hamilton college, for the use and benefit of said college, and to their successors in office, bonds and mortgages executed to the people of this state for lands heretofore sold in the late Oneida Reservation to the amount of fifty thousand dollars, including principal and interest now due thereon.

If the interest is paid within one year after it is due the principal shall not be demanded in 10 years.

II. *And be it further enacted*, That upon the payment of the interest due or to grow due on the said bonds and mortgages, at or before the expiration of one year after the same shall have become due, the payment of the principal shall not be demanded until the expiration of ten years from and after the passing of this act.

Charter of the college of physicians and surgeons ratified.

III. *And be it further enacted*, That the charter granted to the college of physicians and surgeons in the city of New-York, by the regents of the university, bearing date the fourth day of June, instant, be and the same is hereby ratified and confirmed, any grant or charter heretofore made by the said regents to the said college to the contrary notwithstanding.

CHAP. CCXXXVIII.

An ACT to authorise the Surveyor-General to sell a certain lot of land therein mentioned, and for other purposes.

Passed June 19, 1812.

Surveyor-general directed to sell a certain lot to D. P. Schuyler and G. A. Smith.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the surveyor-general is hereby authorised and required to sell unto David P. Schuyler and George A. Smith lot number nine, situate on the west shore of the Oneida Creek, in the tract last purchased from the Oneida Indians, at an appraised value, including the improvements thereon: *Provided, however*, That no improvements, which shall be proved to the satisfaction of the surveyor-general to have been made on said lot by or at the expense of the said David P. Schuyler and George A. Smith, shall be included in the appraisal: *And provided also*, That the said David P. Schuyler and

Proviso.

George A. Smith, shall pay to the treasurer of this state one eighth part of the appraised value thereof, and execute a bond and mortgage of the residue of the said appraised value, payable in six years, at the rate of seven per centum per annum.

Whereas Obadiah Cunningham hath purchased of the surveyor-general the island in the Oswego River at the head of the Oswego Falls, and obtained a certificate of such purchase, pursuant to the act for the sale of the unappropriated lands and for other purposes, passed April 6th, 1803, which has since been lost, by reason whereof the said Obadiah Cunningham cannot obtain letters patent for the land so as aforesaid purchased by him, for remedy whereof,

II. *Be it further enacted*, That it shall be lawful for the commissioners of the land office to issue letters patent to the said Obadiah Cunningham, or his legal representatives for the aforesaid island, upon his or their paying the amount of the purchase money, with the interest accrued thereon, in the manner prescribed by the above recited act.

A certain island to be granted to O. Cunningham

III. *And be it further enacted*, That instead of the salaries now allowed by law to the chancellor, chief-justice and justices of the supreme court, that there be paid to them respectively, for the term of three years, the sum of three thousand dollars yearly, in quarter yearly payments, to be paid by the treasurer on the warrant of the comptroller, the first payment to be made on the first day of July next.

Salaries of the chancellor and justices of the supreme court.

IV. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the judge of the court of probates, for the term of three years, the sum of two hundred and fifty dollars, in addition to the sum now allowed by law.

Additional allowance to the judge of the court of probates.

CHAP. CCXXXIX.

An ACT for the payment of certain officers of government, and for other purposes.

Passed June 19, 1812.

Surveyor-general's salary 1750 dollars.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall pay, on the warrant of the comptroller, to Simeon De Witt, surveyor-general, the sum of one thousand seven hundred and fifty dollars, for his services in his said office, from the first day of July last to the first day of July next: *Provided*, That the said Simeon De Witt shall account with the comptroller of this state, and pay into the treasury all fees he may have received and shall receive, by virtue of his said office, during the time aforesaid.

Proviso.

Compensation to chaplains of the legislature.

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to such of the reverend Clergy as shall have attended the legislature as chaplains during the time aforesaid, the sum of two dollars and fifty cents for every day they shall have so attended, which sums shall be certified by the president of the senate or speaker of the house of assembly.

To the messenger and door-keeper of the councils.

III. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the messenger and door-keeper of the council of revision and council of appointment, the like compensation per day as is allowed to the door-keepers of the senate and assembly.

To the members of the council of appointment

IV. *And be it further enacted*, That the members of the council of appointment shall, for their attendance during the recess of the legislature, be entitled to receive the same allowance per day, and for travelling, as is allowed to the members of the legislature.

To the president of the senate and speaker of the assembly

V. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the president of the senate and to the speaker of the house of assembly, the sum of two dollars per day for each day's travelling and attendance in their respective stations; to each member of the senate and assembly, the sum of one dollar and fifty cents per day for each

day's travelling to and from and attendance in the legislature, during the two meetings of the legislature at the present session; to the serjeant at arms and door-keeper of the senate and assembly, the sum of one dollar and fifty cents per day for each day's attendance, in addition to the compensation allowed them respectively by an act, entitled "an act for the support of government."

To the members of the senate and assembly.

VI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the clerks of the senate and assembly the same compensation per day as was allowed to them the last session, together with the same additional allowance for their respective assistant clerks, the clerk of the assembly being allowed two assistant clerks.

To the clerks and assistants.

VII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Sebastian Viisscher, clerk of the senate, twenty-five dollars for making an index to the journals of the senate, and to Samuel North fifty dollars for making an index to the journals of the assembly.

To the clerks for making indexes to the journals.

VIII. *And be it further enacted*, That the treasurer of this state, in addition to the salary now allowed him by law, shall be entitled to receive, for the current year, the sum of two hundred and fifty dollars.

Additional allowance to the treasurer

IX. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the private secretary of the person administering the government of this state, the sum of three hundred and twelve dollars and fifty cents in addition to the sum allowed by the act, entitled "an act for the support of government," for his services, from the first day of July last to the first day of July next.

To the governor's private secretary.

X. *And be it further enacted*, That the comptroller is hereby authorised to draw his warrant on the treasurer for the payment of the expense of printing and binding one thousand copies of an additional volume to be published by the Society of Useful Arts, and to be distributed in the same manner as the former volumes.

For printing the proceedings of the Society of Useful Arts

XI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay the rent

For rent and taxes of the governor's house.

and taxes of the house occupied by his excellency the governor.

Additional
allowance to
the treasurer
& clerk.

XII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to Abraham Okie, clerk in the treasurer's office, the sum of two hundred dollars in addition to the compensation now allowed him by law for his services in the said office for the current year.

Fees allowed
for granting
discharges
under the in-
solvent laws.

XIII. *And be it further enacted*, That the first judge of each of the counties in this state, and the other officers authorised by law to grant discharges to insolvent debtors under and by virtue of the existing insolvent laws, shall be entitled to receive the following sums, to wit: on receiving any petition, the sum of two dollars; on deciding the propriety of directing an assignment, the sum of two dollars, to be paid by the person presenting such petition out of the insolvent's estate, and one dollar for signing the discharge.

Commission-
ers named in
an act of
March 2,
1811, allow-
ed a longer
time to make
their report.

XIV. *And be it further enacted*, That the time limited in and by the sixth section of the act, entitled "an act authorising the raising a sum of money for the purpose of lowering the Ballston lake, in the county of Saratoga, passed March 30th, 1811, for the commissioners appointed by the said act to render an account to the supervisor and justices of the said town of Ballston, shall be and the same is hereby extended to the first Tuesday in January next; *And further*, That it shall be the duty of the said commissioners annually on the first Tuesday in January, for the term of five years thereafter, to render their account in manner aforesaid; and in case of failure so to account, they shall be liable to the like prosecution and proceedings as are specified in the said section of the act hereby amended.

Compensa-
tion made by
the governor
to H. W.
Hume allow-
ed.

XV. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to his excellency the governor the sum of one hundred and twenty-five dollars, being the amount paid by his excellency to Nathan Williams, esquire, for his services and attendance before the commissioners for settling the titles to lots on the Onondaga Salt Reservation.

XVI. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to Samuel North, the sum of fifty dollars, for preparing a list of the names of persons to whom grants of land, for military services rendered during the war, have been made by special acts of the legislature, pursuant to a resolution of the assembly passed at the last session of the legislature.

To S. North, for making a list of the names of grantees for military services under special acts.

XVII. *And be it further enacted,* That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay to the governor of this state seven hundred and fifty dollars, being the amount of the reward offered by him for the apprehension of John Martin.

The reward offered for apprehending John Martin allowed.

XVIII. *And be it further enacted,* That the state printer shall furnish such further number of the laws as shall be required from time to time by the secretary of this state for the use of the persons entitled to the same by any law or concurrent resolution of the senate and assembly, and that the same compensation be made to the state printer as is now provided for by contract with him.

State-printer to furnish such number of laws as may be wanted.

XIX. *And be it further enacted,* That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay to the person administering the government, to defray the incidental expenses of administering the government, a sum or sums not exceeding four thousand dollars; and that for all sums, drawn for incidental expenses, an account shall be rendered to and audited by the comptroller.

Allowance to the governor for incidental expenses.

XX. *And be it further enacted,* That the provisions of the act, entitled "an act authorising the purchase of the islands in the Niagara River from the Seneca Indians," passed 8th March, 1811, shall be and hereby are extended to all lands within this state belonging to any nation or tribe of Indians, and that the treasurer, on the warrant of the comptroller, pay such sums as may be necessary, in the first instance, to defray the expense of and to carry into effect all and every treaty for the purchase of such lands or any part thereof.

Allowance for purchasing Indian lands and holding treaties.

XXI. *And be it further enacted,* That the commander in chief shall prescribe, in general order, a system of exercise to be adopted by the rifle corps of

Commander in chief to prescribe a system of exercise for rifle corps.

this state until otherwise directed by law, and is hereby authorised to organise the said rifle corps into regiments and brigades whenever he shall deem proper.

John Vail
allowed a
certain claim

XXII. *And be it further enacted*, That it shall be lawful for the treasurer on the warrant of the comptroller to pay to John Vail, of the county of Westchester, the sum of four hundred and nine dollars in full for his claim against the estate of Jeremiah Traviss, who was attainted and whose property was confiscated, and the avails thereof paid into the treasury of this state.

Sergeant
state prison
guard allowed
the pay
of the cap-
tain for 7
months.

XXIII. *And be it further enacted*, That James Minor, Sergeant in the state-prison guard, shall be allowed the pay of captain of the said guard for his services for the term of seven months, during which said term he, the said James Minor, in consequence of a vacancy of the office of captain had the charge of the said guard as commandant thereof, and that the inspectors of the said prison shall make him such allowance for his services during the period aforesaid accordingly: *Provided*, That the said allowance of the pay of captain shall be in lieu of the pay of sergeant of the said guard for and during the period of time aforesaid, and shall be in full for all the services of him the said James Minor, during that time.

Proviso

October
term of
court of
common
pleas in Al-
bany county
altered.

XXIV. *And be it further enacted*, That the October term of the court of common pleas and sessions of the peace in and for the county of Albany shall hereafter commence on the third Tuesday of October in every year.

Trustees of
the town of
Colonie au-
thorised to
dig certain
wells.

XXV. *And be it further enacted*, That it shall be lawful for the trustees of the town of Colonie, whenever the majority of the inhabitants residing in any street in the said town shall deem a well necessary in such street, and shall signify their wishes in writing to the said trustees to authorise such well to be dug, stoned and completed, and to designate the place where it shall be done, and to cause the expenses thereof to be assessed upon and collected of the inhabitants of the said town who may be benefitted by such well, in the same manner as other assessments and collections of money for public purposes by law are directed to be made.

XXVI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Elisha Jenkins, secretary of state, the sum of forty-five dollars and twenty cents for expenses accrued in furnishing the executive authority of the different United States with copies of the laws of this state, pursuant to a concurrent resolution passed March 15th, 1811.

Allowance to the secretary for procuring certain laws.

XXVII. *And be it further enacted*, That the treasurer of this state shall pay, on the warrant of the comptroller, to John Haggerty five hundred dollars, upon account of the consideration money paid to the people of this state by William Haggerty, the father of the said John Haggerty, on a contract for the purchase of lands which, in consequence of his death, has not been conveyed to him.

John Haggerty to be paid \$500 dolls.

XXVIII. *And be it further enacted*, That the treasurer of this state shall pay, on the warrant of the comptroller, to Silas Holmes, Bennet Bicknell and Nathaniel Cole, respectively, two dollars and fifty cents for each day's travel and attendance in the city of Albany, as witnesses on the trial of John Martin, in May last.

Allowance to witnesses attending the trial of John Martin.

XXIX. *And be it further enacted*, That the time for the occupants on the tract of land, belonging to the people of this state, known by the name of the French Mountain Tract, to comply with the requisitions of the act, entitled "an act for the relief of Thomas Hinckly and others," passed the 21st day of March, 1806, and the several acts amending and extending the same, be and hereby is extended to the fifteenth day of July next.

Further time allowed to settlers on the French Mountain tract to make application.

XXX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Peter Neville, Samuel A. Burtis, Daniel D. Smith, John Bloodgood, George Waite and Richard Johnston, severally, the sum of forty-six dollars, for expenses incurred by them in consequence of their attendance on the committee appointed by the Assembly to investigate the conduct of the managers of Union College lottery number two, in the months of April and May last; and also the sum of twenty dollars to Benjamin Crane, Naphtalah Judah, John Reid, E. S. Lazarus and

Compensation to P. Neville and others for attending committee to investigate the conduct of the managers of U. College lottery No. 2.

Eli C. Frost, severally, for their attendance on the same committee, in the month of May last.

A certain mortgage to be credited 40 dolls.

XXXI. *And be it further enacted*, That the comptroller of this state be directed to credit the account of the mortgage of lot number one hundred and fourteen in the Cayuga reservation, with the sum of forty dollars, by mistake paid in and credited to the account of the mortgagor of lot number one hundred and twenty, in the said reservation, and charge the said sum to the last account, as of the time the said sum of forty dollars was paid into the treasury of this state.

Whereas it is represented to the Legislature, that the sum of fifty dollars, paid into the treasury of this state on or about the 29th day of August, 1809, and credited to Conrath Klock, on account of the purchase money for lot number three, on the west side of the two mile strip, was intended to have been paid for and ought to have been credited to Coenradt Klock, on account of the purchase money for lot number eleven of the last purchase made of the Oneida Indians, and situate east of the two mile strip: Therefore,

Comptroller to transfer certain account of C. Klock.

XXXII. *Be it further enacted*, That the comptroller of this state be and he is hereby authorised to transfer the said fifty dollars to the credit of the said Coenradt Klock, on account of the purchase money for the said lot number eleven, and to debit the account of the said Coenradt Klock for the purchase money of said lot number three accordingly.

Whereas it is represented to the Legislature, that the sum of forty dollars, paid into the treasury of this state on the first day of February, 1810, and credited on account of the purchase money due on lot number 25, Oneida purchase, was intended to have been paid on lot number 25, in the Oneida reservation, and for the benefit of Samuel Gregory: Therefore,

Comptroller to transfer a certain account to the credit of S. Gregory.

XXXIII. *Be it further enacted*, That the comptroller of this state be and he is hereby authorised to transfer the said forty dollars to the credit of Samuel Gregory, on lot number 25, in the Oneida reservation, mortgaged to the people of this state by Joseph Frost, and to debit the account of the said Samuel Gregory for the said forty dollars, as credited on

lot number 25, Oneida purchase, mortgaged by Bethuel Finney to the people of this state, accordingly.

XXXIV. *And be it further enacted*, That the east line of Houghton's patent, as run by William Robards, shall be and hereby is declared the division line between the towns of Queensbury and Caldwell.

Division line
between
Queensbury
and Caldwell

XXXV. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Alexander St. John and Daniel Washburn, respectively, such sums of money as the comptroller shall find to be due to them, for their services as commissioners appointed by law to lay out a road from the Fish-house, in the county of Montgomery, to the house of John Thurman, in the town of Thurman.

Compensation
to A. St. John and D. Washburn.

XXXVI. *And be it further enacted*, That the time for the payment of the principal due on the mortgage of Joseph De Silva to the people of this state, be and is hereby extended to the first day of January, in the year one thousand eight hundred and seventeen, on condition that he shall, on or before the first day of January next, pay the interest which now is due on his said mortgage, and shall thereafter pay the interest annually as the same may accrue.

Further time
allowed to J. De Silva to
make certain
payments.

XXXVII. *And be it further enacted*, That it shall be lawful for the agent of the state-prison to charge in his account the amount of expenses incurred by him and Philip I. Arcularius, in attending, by order of the board of inspectors, upon the Legislature, during the present session, for the purpose of obtaining a revision of the laws relative to the state-prison.

Compensation
to the
agent of the
state-prison
and P. I. Arcularius.

XXXVIII. *And be it further enacted*, That it shall be the duty of the surveyor-general, within one year from the passing of this act, to cause lot number 27, in the town of Sterling, in the county of Cayuga, except one hundred acres in the north-west corner thereof, to be appraised in the usual manner, and on the return of such appraisement, to grant to Janet McFarland, Robert McFarland, William McFarland, James McFarland, Thomas McFarland, Isabella McFarland and Janette McFarland, junior, a certificate that they shall be entitled, as purchasers, to letters patent for the

Lot No. 27 in
Sterling to
be granted
to Janet McFarland and
others.

lands so appraised, upon their paying into the treasury such appraised value, with interest, in like manner as the purchasers of public lands, directed by law to be sold by the surveyor-general at vendue, are bound to pay therefor.

Certain privileges extended to the artillery company in Albany.

XXXIX. *And be it further enacted*, That the company of artillery, now organized in the city of Albany, shall be ordered out for exercise at least twelve, and not exceeding eighteen, times in every year, by the commanding officer thereof; and shall be entitled to the same privileges, as respects their time of service, exemption from juries and taxation, that the artillery in the city and county of New-York by law now are.

J. Hurd appointed a commissioner to lay out certain great roads.

XL. *And be it further enacted*, That Joseph Hurd, of the town of Richland, is hereby appointed a commissioner, to supply the place of Augustus Sacket, and to perform the duty and service that said Augustus Sacket was authorised to perform by the act, entitled "an act authorising commissioners to lay out certain great roads within this state," passed April 8th, 1808.

Comptroller allowed amount of postage of official letters.

XLI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, be and is hereby authorised to pay to George W. Mancius, the amount of his account for the postage of the comptroller's official letters.

May term of the court of com. pleas in Franklin altered.

XLII. *And be it further enacted*, That the term of the courts of common pleas and general sessions of the peace in and for the county of Franklin, heretofore held on the third Tuesday of May in each year, shall be hereafter held on the second Tuesday of June in each year, and shall be called the June term.

Sums to be assessed on public property in the city of New-York to be paid by the treasurer.

XLIII. *And be it further enacted*, That it shall be lawful for the respective officers and persons having the charge or superintendence of public property in the city of New-York, belonging to this state, to pay the sums assessed, or to be assessed thereon or in respect thereto, by or under the authority of the mayor, aldermen and commonalty of the said city, according to law; and that the treasurer, on the warrant of the comptroller, pay to such officers and persons respectively the sums which they shall respectively so pay

on the account aforesaid, due proof being first made of such payment to the satisfaction of the comptroller.

XLIV. *And be it further enacted,* That it shall not be lawful for any sheriff, gaoler or marshal, to confine male and female prisoners, who are or shall be imprisoned, either civilly or criminally, except husband and wife, in any gaol or prison in this state, in the same prison-room; and in case any sheriff, gaoler or marshal, shall offend in the premises, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined at the discretion of the court before whom such conviction shall be had.

Sheriffs and gaolers shall not keep male and female prisoners in the same room.

XLV. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay to Amos Hall, a member of the council of appointment in the year 1810, the sum of eighty dollars and fifty cents, for his travelling fees and one day's attendance in the month of July of the same year.

Compensation made to Amos Hall.

XLVI. *And be it further enacted,* That the treasurer of this state shall pay, on the warrant of the comptroller, to Henry Huntington, Ephraim Hart and Arthur Breese, commissioners for building a fire-proof office, for the clerk of the supreme court at Utica, the sum of three hundred and eighty-eight dollars and ninety-eight cents, being the balance in full for all the expenses of purchasing a lot of ground, and completing the said office.

Balance due to H. Huntington, A. Breese and E. Hart, allowed.

XLVII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, pay to John W. Wyman, late clerk of the court of oyer and terminer and general gaol delivery and general sessions of the peace, in and for the city and county of New-York, the balance that shall appear to be due on his account for compensation as audited and allowed by the court of exchequer.

Balance due to J. W. Wyman allowed.

XLVIII. *And be it further enacted,* That the treasurer of this state, on the warrant of the comptroller, pay to William P. Van Ness and John Woodworth, on account, each seven hundred and fifty dollars, for the performance of the services required of them by the act making provision for the revision of the laws of this state.

Compensation to J. Woodworth and W. P. Van Ness.

tion to certain arrears of taxes in said acts mentioned, shall be and hereby are authorised and required to perform the said duties during the present year, in the manner directed in and by said acts; and the returns of said certain arrears of taxes, when made as by said acts directed to the comptroller's office, shall be as valid as if said duties had been performed within the times limited in and by said acts.

Comptrol-
ler's duty re-
specting the
sale of cer-
tain lands
for taxes.

LVII. And be it further enacted, That in all cases where a lot or tract of land has been returned to the comptroller's office charged with taxes, and that since such return the taxes on a part of such lot or tract has been paid into the treasury of this state, without a particular description or designation of such part, it shall be lawful for the comptroller to sell, of the residue of such lot or tract on which the taxes remain due, an undivided share thereof, sufficient to raise the sum due thereon for taxes, interest and charges; and in his certificates and conveyances for such lands so sold, it shall be sufficient for him to describe the same as an undivided share of a certain lot, piece or parcel of land, returned to his office charged with taxes, describing the same as returned, and then to except the part or parts on which the taxes were so as aforesaid paid, mentioning the names of the persons who made the payments, the times when, and the quantity of land on which they respectively paid.

70,000 dollrs.
to be paid to
the High-
land turn-
pike compa-
ny.

LVIII. And be it further enacted, That the comptroller draw his warrant on the treasurer for ten thousand dollars, in favor of the directors of the Highland turnpike company, to be laid out by them in building a bridge over the Croton river, on the post road from New-York to Albany; and the directors and company of said turnpike road are hereby inhibited from receiving any toll for crossing said bridge.

Banks au-
thorized to
purchase U.
States stock.

LIX. And be it further enacted, That it shall and may be lawful for the president, directors and company of any bank in this state, to accept and hold certificates of stock created by any act of Congress, for any loan now made, or to be made, by such bank to the United States, within two years from and after the passing of this act, bearing such interest as may be

provided by law; and also to sell and assign the whole, or any part of the said stock subscribed by such bank or banks as aforesaid, in like manner as their other estate or property, any thing in the act incorporating the stockholders of such banks to the contrary notwithstanding.

LX. *And be it further enacted*, That the surveyor-general shall lay out the tract of land lying on the east side of the Oneida Creek, where it is crossed by the Seneca turnpike road, and remaining unallotted, into village lots, streets and out lots, and report the plan thereof to the legislature at their next session.

Surveyor-general directed to lay out a certain village

LXI. *And be it further enacted*, That the surveyor-general shall proceed to sell the lands last purchased from the Oneida Indians, in the manner directed for the sale of the lands purchased from said Indians in the year 1810.

To sell certain lands.

LXII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to Gideon Frisbee and Samuel A. Law, one thousand dollars, to be expended in making and repairing a road from the Delaware river, near Frisbee's mill, in Delhi, to the house of the said Samuel A. Law, in Meredith, in the county of Delaware; and that the said Gideon Frisbee and Samuel A. Law shall account with the comptroller for the expenditure of said sum of money.

1000 dollars appropriated for making a road in Delaware county.

LXIII. *And be it further enacted*, That it shall and may be lawful for the comptroller to loan to John Preston, out of any money in the treasury belonging to the common school fund the sum of five hundred dollars, at an interest of seven per cent per annum, and the principal payable within five years, to enable him to publish a spelling book and arithmetic on the Lancasterian plan: *Provided*, The said John Preston shall give such security for the payment of the same at the time above limited as the comptroller shall deem to be sufficient.

A loan of 500 dollars to be made to J. Preston.

LXIV. *And be it further enacted*, That it shall be unlawful for any person or persons other than Indians to settle or reside upon any lands belonging to any nation or tribe of Indians within this state; and if any person shall settle or reside on any such lands, contra-

Penalties for intruding on Indian lands.

ry to this act, he or she shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment not less than one month nor more than six months, in the discretion of the court having cognizance thereof; and it shall be the duty of the courts of Oyer and Terminer and general sessions of the peace, in the several counties of this state in which any part of said lands are or may be situated, to charge the grand juries of their respective counties specially to indict all offenders against the provision of this section.

Comptroller
directed to
borrow 1,000,000
dollars
from the
bank of
America.

LXV. *And be it further enacted*, That the comptroller of this state be and he is required to borrow, on behalf of the people of this state, from the bank of America, one million of dollars, or any part thereof, at convenient times, and to draw on the treasurer annually for the payment to said bank of the interest of such sum, at the rate of five per cent per annum, agreeably to the thirteenth section of the act, entitled "an act to incorporate the stockholders of the bank of America;" and the said comptroller shall, out of the said sums so to be borrowed, pay and discharge the several sums due from this state to various banks therein. And for the re-payment of the said principal sum of one million dollars, the legislature will make seasonable provision.

CHAP. CCXL.

An ACT to enable certain persons therein named to purchase and hold real estate within this state.

Passed June 19, 1812.

I. **B**E it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for George Cooper, of Schenectady, Robert Liddle, John Liddle, Thomas Liddle and Alexander Liddle, of the towns of Princetown and Duaneburgh, William Denbow Kirwan, of Whites-town, Oneida county, Joseph Patterson, of Arguyle, in the county of Washington, Robert Hoyle, of Ches-

terfield, Essex county, William Coburn, Martha Coburn, Jane Coburn, James Coburn, John Coburn, Sophia Coburn, William Coburn, junior, of the town of Huntington, in the county of Suffolk, Malcom McKinnon, Donald McKinnon, Allen McKinnon, Duncan McKinnon, John McKinnon, Hugh McKinnon, John McQuarie, of Masonville, in the county of Delaware, George Fearony, Nathaniel Tackaberry, Denis Kavanaugh, Peter McStea, J. Black Anderson, James McIntosh, John Kearn, junior, James Connor, Rosalie Noel, John Westwood, Michael Fagan, Thomas Doige, William Stephenson, Elizabeth Stephenson, John Stephenson, Thomas Stephenson, Eleanor Stephenson, Patrick Stephenson, Hugh Stephenson, Hannah Stephenson, William Stephenson, Isaac Stephenson, Mark Stephenson, James Shepherd, Christian Henry Kauffman, William Blacgbome, David Brown, William N. Bunn, Platt Kennedy and William Harvey, severally to take and hold by purchase or descent, lands, tenements and hereditaments within this state respectively, to have and to hold the same to them and to their respective heirs and assigns forever as fully to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That no lands, tenements and hereditaments heretofore purchased by any person herein before named, shall escheat to the people of this state, by reason or on account of such persons then being aliens, but all such lands, tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary thereof notwithstanding: *Provided always*, That no alienation of any lands purchased or to be purchased or held by virtue of this act, shall be good and effectual other than to a citizen of the United States.

CCXLI.

An ACT to enable John B. Smith to put up beef and pork.

Passed June 19, 1812.

WHEREAS John B. Smith and James Carr have represented, among other things, to the legislature, that they supply the United States navy with near one thousand barrels of beef and pork annually; that by their contract they are obliged to furnish it of a quality superior to the highest denomination of merchantable beef and pork, and they warrant the same to keep two years in any climate; that notwithstanding the superiority of their beef and pork, they are obliged, by the existing laws, to have the same repacked and inspected, whereby its safety is endangered and its quality underrated. They have therefore prayed that John B. Smith, one of the petitioners, be permitted to put up those articles upon his own credit, without being subject to the inspection laws, which petition the legislature being willing to grant,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said John B. Smith, for the space of three years from the passing of this act, to pack and put up beef or pork, for the supply of the United States navy, without the same being liable to be repacked and inspected; but he shall make use of barrels of the same dimensions, and shall contain the same weight of beef or pork as is required by the laws regulating the inspection of those articles, and shall also cause his name to be branded at full length on each barrel of such beef or pork.

CHAP. CCXLII.

An ACT for the establishment of Common Schools.

Passed June 19, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That there shall be constituted an officer within this

state, known and distinguished as the superintendent of common schools, which superintendent shall be appointed by the council of appointment, and shall keep his office at the seat of government, and shall be allowed an annual salary of three hundred dollars, but not to be under pay until he shall give notice of the first distribution of the school money, payable in the same way as is provided for other officers, by the act, entitled "an act for the support of government."

Superintendent to be chosen.

His salary.

II. *And be it further enacted*, That it shall be the duty of the superintendent aforesaid, to digest and prepare plans for the improvement and management of the common school fund, and for the better organization of common schools; to prepare and report estimates and expenditures of the school monies, to superintend the collection thereof, to execute such services relative to the sale of the lands, which now are or hereafter may be appropriated, as a permanent fund for the support of common schools, as may be by law required of him; to give information to the legislature respecting all matters referred to him by either branch thereof, or which shall appertain to his office; and generally to perform all such services relative to the welfare of schools, as he shall be directed to perform, and shall, prior to his entering upon the duties of his office, take an oath or affirmation for the diligent and faithful execution of his trust.

He shall digest and prepare plans for the improvement of common schools, &c.

III. *And be it further enacted*, That no distribution of the interest of the school funds shall take place amongst the common schools in this state, until it shall arise to fifty thousand dollars a year; and it shall not be lawful for the superintendent aforesaid to distribute any more than fifty thousand dollars a year until he shall find he will be able to distribute sixty thousand, and the sum of sixty thousand until the interest shall arise to seventy thousand, and so on as often as the interest shall increase ten thousand dollars, it shall be lawful for the superintendent to add to the sum last distributed ten thousand dollars more; and in all cases when he shall find he will be enabled to add ten thousand dollars to the sum last distributed, the next year it shall be his duty to send a notice to the county clerk,

No distribution of the school fund shall be made until the interest amount to \$50,000 dolls.

and for said county clerk to notify the several town clerks in his county previous to such increase of monies to be distributed in the same form and manner as is provided in the fifth section of this act, to be made previously to the first distribution.

Interest received after the first distribution to be re-loaned.

IV. *And be it further enacted*, That the interest of the school funds which shall accumulate annually between the time of the first distribution of fifty thousand dollars, and sixty thousand dollars, and seventy thousand dollars, and so on from time to time, shall, by the comptroller, be loaned and re-loaned, in the same form and manner, and on the same security as he is now by law directed to loan the monies belonging to the common school fund of this state, and shall become principal in said funds.

Notice to be given to county clerks 13 months before first distribution.

V. *And be it further enacted*, That the superintendent of common schools shall, in the month of January, which will be thirteen months before the first distribution of the interest of the school fund, send a notice in writing to each of the county clerks in this state, informing them that there will be a distribution of the interest of the school fund in the month of February, which will be thirteen months after the date of said notice, stating the amount that will be assigned to each county. And it shall be the duty of the said county clerks, to send a like notice to the clerk of the board of supervisors, and to each town clerk in his county, stating the amount of money to be distributed, and the time when, which notice the town clerk shall read at the opening of the next town meeting, to the intent that the town meeting may direct by their vote the supervisor, to levy on said town, at the next meeting of the board aforesaid, the sum for the support of common schools, required by this act to entitle said town to its proportion of the interest of said fund to be distributed; and the supervisor of each town so complying, shall, on or before the first Tuesday of June after, in each year, deliver a notice in writing, of such compliance, to the clerk of the board of supervisors of the county, and said clerk shall, at the opening of the next meeting of said board, report the several notices so received to the board of supervi-

Each town shall levy a certain sum.

sors aforesaid, whose duty it shall be to apportion the county's proportion of said monies amongst the several towns that shall have directed the raising of such school monies, according to the population of each town as ascertained by the census of the United States having so complied, and file a list of the names of such towns, with the several sums allotted to each of them, in the office of the county treasurer, and the said county treasurer shall pay to the school commissioners of each such town its proportion of said school money according to said list. And the board of supervisors shall cause to be added to the sum raised in each of said towns, to pay the contingent expenses of the respective towns, a sum equal to the sum which such town is to receive of the school monies aforesaid, with the addition of five cents on a dollar of said sum for collection fees, and direct the collector in his warrant to pay the same, when collected, into the hands of the school commissioners of the several towns, reserving his fees, and take their receipt therefor; which receipt shall be his voucher of having paid such sum, and the treasurer shall file the same in his office, without fee or reward: *Provided always*, That the respective towns may, at their town meetings direct as much more money to be raised than is equal to their respective proportion of the school money as they may deem proper for the purposes aforesaid, not exceeding double said sum. Provide.

VI. *And be it further enacted*, That the inhabitants living within the limits of the several towns within this state, and within the cities of Hudson and Schenectady, who by law have, or may have, a right to vote in town meetings, shall, on the days of their annual town meetings, choose, by ballot, three of the inhabitants of their respective towns, commissioners, to superintend and manage the concerns of the schools within said towns respectively, and to perform all such services relative to schools as they shall be directed to perform; that said commissioners, before they enter upon the execution of their office, shall respectively take an oath or affirmation, for the diligent and faithful execution of their trust; which commissioners shall Town commissioners to be chosen.

School inspectors to be chosen.

be allowed for their services so much as the inhabitants of said towns respectively shall direct, and the same shall be paid out of the monies raised for town expenses. And the inhabitants of said towns respectively, shall choose a suitable number of persons within their respective towns, not exceeding six, who, together with the commissioners aforesaid, shall be inspectors of the schools of said towns respectively; which inspectors shall examine the teachers, and approve or disapprove of the same, and also shall visit the several schools within their respective towns, quarterly, or oftener, if they deem it necessary; three or more of said inspectors shall be competent both to examine the teachers, and the respective schools, and no person shall be employed as a teacher in any one of schools, in any of the districts of this state, who shall not have been previously examined by the inspectors aforesaid, and have received a certificate, signed by at least two of said inspectors, importing that he is duly qualified to teach a common school, and is of good moral character. And it shall be the further duty of the inspectors to examine into the state of the schools in their respective towns, both as it respects the proficiency of the scholars, and the good order and regularity of the schools; and from time to time to give their advice and directions to the trustees, as to the government of the same.

Towns to be divided into school districts.

VII. *And be it further enacted,* That the commissioners aforesaid are hereby authorised and empowered to divide their respective towns into a suitable and convenient number of districts, for keeping their schools, and to alter and regulate the same from time to time, as there may be occasion: and whenever it may be necessary and convenient to form a district out of two or more adjoining towns, such district may be formed by the commissioners from all such towns parts of which may be included in such district, and may be in like manner altered or changed at their pleasure; and every such district shall be under the superintendence of the inspectors of the town in which such school-house shall be situated, and numbered accordingly. And where it shall be convenient for any neigh-

neighborhood adjoining to any other state, where such neighborhood has been in the habit of sending their children to a school in such adjoining state, it shall be lawful for said commissioners to set off such neighborhood by themselves, and such neighborhood shall be entitled to their share of the monies amongst the several districts in the town where said neighborhood shall be situate, in proportion to the number of children in such neighborhood between the ages of five to fifteen years ; and it shall be lawful for such neighborhood to meet together and appoint one trustee, who shall make a report to said commissioners on or before the first day of May in each year, containing the number of children in such neighborhood from five years to fifteen, inclusive, and the number educated in said school in the preceding year ; and it is hereby made the duty of the commissioners aforesaid to describe and number each district within their respective towns, and deliver the same in writing to the clerk of such town, who is hereby required to record the same in the town records. And whenever a district shall be altered, pursuant to this act, it shall be the duty of the said commissioners to make a new description corresponding with such alteration, and the same shall be recorded in manner aforesaid.

VIII. *And be it further enacted,* That whenever any town in this state shall be divided into school districts, according to the directions of this act, it shall be the duty of one of the school-commissioners of said town, within twenty days after, to make a notice in writing, describing said district, and appointing a time and place for the first district meeting, and deliver said writing to some one of the freeholders or inhabitants, liable to pay taxes, residing in said district, whose duty it shall be to notify each freeholder or inhabitant residing in said district, qualified as aforesaid, by reading such notice in the hearing of each such freeholder or inhabitant, or leaving a copy thereof at the place of his abode, at least six days before the time of such meeting ; and if any such freeholder or inhabitant shall neglect or refuse to give such notice, he shall pay a fine of five dollars, to be recovered in the same man-

Commissioners shall give notice of district meetings.

School inspectors to be chosen.

be allowed for their services so much as the inhabitants of said towns respectively shall direct, and the same shall be paid out of the monies raised for town expenses. And the inhabitants of said towns respectively, shall choose a suitable number of persons within their respective towns, not exceeding six, who, together with the commissioners aforesaid, shall be inspectors of the schools of said towns respectively; which inspectors shall examine the teachers, and approve or disapprove of the same, and also shall visit the several schools within their respective towns, quarterly, or oftener, if they deem it necessary; three or more of said inspectors shall be competent both to examine the teachers, and the respective schools, and no person shall be employed as a teacher in any one of schools, in any of the districts of this state, who shall not have been previously examined by the inspectors aforesaid, and have received a certificate, signed by at least two of said inspectors, importing that he is duly qualified to teach a common school, and is of good moral character. And it shall be the further duty of the inspectors to examine into the state of the schools in their respective towns, both as it respects the proficiency of the scholars, and the good order and regularity of the schools; and from time to time to give their advice and directions to the trustees, as to the government of the same.

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neighborhood adjoining to any other state, where such neighborhood has been in the habit of sending their children to a school in such adjoining state, it shall be lawful for said commissioners to set off such neighborhood by themselves, and such neighborhood shall be entitled to their share of the monies amongst the several districts in the town where said neighborhood shall be situate, in proportion to the number of children in such neighborhood between the ages of five to fifteen years; and it shall be lawful for such neighborhood to meet together and appoint one trustee, who shall make a report to said commissioners on or before the first day of May in each year, containing the number of children in such neighborhood from five years to fifteen, inclusive, and the number educated in said school in the preceding year; and it is hereby made the duty of the commissioners aforesaid to describe and number each district within their respective towns, and deliver the same in writing to the clerk of such town, who is hereby required to record the same in the town records. And whenever a district shall be altered, pursuant to this act, it shall be the duty of the said commissioners to make a new description corresponding with such alteration, and the same shall be recorded in manner aforesaid.

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Commissioners shall give notice of district meetings.

a justice of the peace in the county where the defendant shall dwell, in the ordinary mode of proceeding before magistrates; which money, when collected, after deducting the costs, shall be subject to the order of the commissioners of the town where the defendant was so chosen and appointed to office as aforesaid, for the use of the common schools in said town; and every such officer, duly chosen and appointed as aforesaid, having accepted (or not declared his refusal to accept) the office he is appointed to, and who shall neglect the performance of the trust committed to him, shall pay the sum of ten dollars, and the same shall be recovered in manner aforesaid, with costs of prosecution, and when collected, shall be disposed of in manner aforesaid.

Penalty for
voting when
not qualified

XI. *And be it further enacted*, That if any person who is not duly qualified, according to this act, to vote in any town-meeting, shall vote for the choice of officers, granting of taxes, or any other matters contemplated in this act, such persons so offending, and being thereof convicted before any court having competent jurisdiction, shall be fined in a sum not exceeding five dollars, and not less than three dollars, at the discretion of the court, and shall pay all costs and charges of prosecution; and the fine, when collected, shall be disposed of in the manner directed in the preceding section.

Tenure of
offices.

XII. *And be it further enacted*, That the several persons appointed within any town to any office instituted by this act, may hold their offices until the annual meeting next following such appointment, and until others shall be appointed in their places; and whenever it shall happen that the said offices, or any of them, shall be vacated, either from neglect of appointment, refusal to serve, death, or removal from the district or town, or incapacity of such as may be thus appointed, such vacancy or vacancies may be supplied in the way and manner prescribed in the sixth section of the act, entitled "an act relative to the duties and privileges of towns," in similar cases, which officers, thus appointed, shall be regarded the same in all re-

Vacancies
how to be
filled.

spects as if appointed by the inhabitants of such district or town.

XIII. *And be it further enacted*, That from and after the passing of this act, the interest of the common school fund, arising under the several acts of this state, as from time to time it shall become due, shall be paid to the treasurer of this state, which, together with all such monies as are by law pledged and appropriated for the encouragement and support of common schools, shall be distributed and applied pursuant to this act, and not otherwise : and to the end that the said monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept by the treasurer of the receipts and dispositions thereof, separate and distinct from other accounts.

School fund
to be applied
pursuant to
this act.

XIV. *And be it further enacted*, That the several towns in this state which shall conform to the provisions of this act, shall be entitled to such monies, to be distributed to them severally, according to the number of inhabitants in each town, to be ascertained by the respective census under the constitution of the United States, subject nevertheless to a distribution thereof, by said town, to the several school districts therein, pursuant to this act.

Privileges of
towns conforming to
this act.

XV. *And be it further enacted*, That the several school districts within the several towns in this state which shall conform to the provisions of this act, shall be entitled to the monies deposited with the commissioners as aforesaid, to be distributed to said districts severally, according to the number of children within each district, between the ages of five and fifteen inclusive, as shall appear from the returns of the trustees aforesaid, made pursuant to this act ; and it is hereby made the duty of said commissioners, annually, on or before the first day of May, to apportion the monies aforesaid to the several school districts, in manner aforesaid ; but in each district, composed of more than one town, each of the several parts shall draw its proportion, according to its number of children as aforesaid, from the town in which such part shall be situate ; for which purpose, it shall be the duty of the trustees

Monies how
to be apportioned.

Proviso.

of such district, not only to make a general report as is herein after directed, but a report of the number of children in each part, to their several town commissioners respectively, and to pay over to each of said districts its share thereof, on the order of one or more of the trustees of such district, taking a receipt therefor; which monies shall be applied and expended by said trustees in paying the wages of the teachers to be employed, and for no other purpose; and further, that the accounts of said commissioners shall annually be audited and settled by the board appointed by law to settle accounts of overseers of the poor in the respective towns: *Provided*, That after the first year, no order shall be accepted, nor shall the commissioners aforesaid deliver the monies, directed to be delivered as aforesaid, until two of the trustees of such district shall have certified in writing, under their hands, in the words following, viz: We, the trustees of the

school district, within the town of
do certify, that the school in said district hath been kept for three months at least, during the year ending on the first day of May last, by an instructor duly appointed and approved in all respects, according to law, and that all the monies by us drawn from the commissioners for said year, appropriated for schools, have been faithfully applied and expended in paying the wages of said instructor.—Dated

} Trustees.

Further proviso.

Provided always, That nothing herein shall be so construed as to prevent any persons attending said schools, whom the trustees aforesaid may deem proper to admit: *Provided further*, That whenever the aggregate expense of paying the instructors in schools, in any of the towns in this state, shall in any year equal or exceed the fund deposited with the commissioners as aforesaid, although any one or more of the districts in such town shall not have kept a school within the year, or not long enough to expend its proportion of such monies which otherwise would have belonged to such district, the monies thus unexpended and remaining with the commissioners aforesaid, shall be paid to

and applied in the districts which have complied with the law, and which shall have expended, in paying instructors, a sum exceeding their proportion, regard being had, as far as may be, to their respective rights; but if such aggregate expense shall not equal the funds for any given year, then the monies shall remain with the commissioners aforesaid, to be added to and distributed with the monies next to be appropriated under this act.

XVI. *And be it further enacted*, That if the trustees appointed under this act shall make a false certificate, by means whereof the school monies aforesaid shall be fraudulently obtained from the commissioners, each person signing such false certificate shall forfeit the sum of twenty dollars to the commissioners of such town to which such trustees shall belong, to be recovered by action of debt on this statute, in the name of the said commissioners, who are hereby required to prosecute therefor accordingly; and the sum, when recovered, shall be applied for the benefit of the common schools in said town.

Penalty for making false certificates.

XVII. *And be it further enacted*, That the trustees of the several school districts shall, annually, on the first day of May, make and transmit to the commissioners of the town wherein their respective districts are situated, a report, specifying the length of time a school hath been kept in said district; the amount of monies received; the manner the same hath been expended; and, as nearly as may be, the number of scholars taught therein, and the number of children, from five years old to fifteen inclusive, except Indian children otherwise provided for by law; whereupon the commissioners of the several towns aforesaid shall, on or before the first day of July, annually, make a town report to the clerk of the county wherein such town shall be situate, which report shall embrace the same objects as are contained in the report of the trustees as aforesaid; and the clerks of the several counties in this state shall, on or before the first day of November, annually, make a county report, in manner aforesaid, comprising the several reports received by them as aforesaid, and transmit the same to the super-

Trustees to make an annual report to the commissioners.

Commissioners to report to the county clerks.

Clerks to re-
port to the
superintendent
and.

Provided

intendent of common schools : whereupon the said superintendent shall annually, on or before the first Tuesday in February, make a report to the Legislature, embracing all the objects contemplated in this act : *Provided always*, That the several duties enjoined on the several county treasurers and county clerks, shall be done without fee or reward ; and if any of the said treasurers or clerks shall refuse to do any of said duties, he or they shall forfeit and pay the same fine which is imposed, as aforesaid, on the town commissioners and trustees of districts ; which fine shall be recovered in the same way, and applied to the same purpose, as the fines imposed on said commissioners and trustees.

Proportion
Belonging to
the city of
Albany to be
paid to the
trustees of
the Lancaster
school.

XVIII. *And be it further enacted*, That out of the school money apportioned by the superintendent, from time to time, to the county of Albany, the city of Albany shall have its proportion, with the towns in the county, according to the population thereof, and shall be paid by the county treasurer into the hands of the trustees of the Lancaster school, in said city, who shall give their receipt therefor, to be applied to the education of such poor children, belonging to said city, which may be, in the opinion of the said trustees, entitled to gratuitous education : *Provided*, That the said trustees shall receive into said school, all the children of every poor person residing in said city, and in no wise turn away any child that shall be, for that purpose, presented to them, from time to time ; and that said trustees shall account to the county treasurer of said county for the faithful application of said money, according to the true intent and meaning of this act ; and shall make a true report of the state of the school, with the number of scholars educated in said school, in the year last passed, to the county clerk, on the first day of July in each year, to be incorporated into the county report to be made to the superintendent of common schools.

Meetings
may be call-
ed in each
town to
elect com-
missioners.

XIX. *And be it further enacted*, That the clerk of each town, and of the cities of Hudson and Schenectady, shall, at any time after the passing of this act, on application of any six freeholders of such city

or town, warn a town-meeting, giving at least eight days notice of such meeting in the manner now provided by law, for the purpose of electing commissioners of schools.

XX. *And be it further enacted,* That in all cases in which any new town or towns may have been erected, or shall hereafter be erected, from a part of any other town or towns since the census aforesaid, it shall be the duty of the supervisors of such towns, to meet on the day of the month, and at the place directed by the law for erecting such town, or at such other time and place as they may agree upon, and shall then and there apportion the money to be divided between the said towns, in the same proportion as the poor of the town, and the money belonging to them, shall be divided.

When towns
are divided
school mo-
nies to be ap-
portioned.

ERRATA.

- Page 26, line 15, after *beyond* insert *the*.
 31, line 21, after *be* insert *deemed*.
 34, line 28, for *lots* read *lot*.
 46, chap. 38, line 3, for *Samuelt* read *Samuel*.
 49, In the note prefixed to the state-prison
 act, for *foregoing* read *following*.
 91, line 3, for *shell* read *shall*.
 142, chap. 82, line 8, of the preamble, for *commissioners*
 read *petitioners*.
 152, line 10, between *north* and *of* insert *line*.
 192, line 26, after *half* insert *cents*.
 217, line 8, after *at* for *each of the gates* read
the gate.
 227, sec. 9, line 2, after *twenty* obliterate *five*.
 252, chap. 140, line 13, after *is* insert *hereby*.
 267, last line for *nto* read *unto*.
 287, line 29, for *fore* read *upon*.
 293, chap. 161, line 16, after *name* insert *they and, and*
 for *successo* read *successors*.
 347, line 27, for *or* read *of*.
 359, sec. 13, last line, for *services* read *duties*.
 368, line 8, after *necessary* obliterate *and, line*
 9, for *town* read *towns*.
 395, line 13, for *thereon* read *thereof, line 14,*
thereof read *thereon*.
 425, sec. 16, line 5, obliterate *set*.
 428, line 16, for *recovered* read *recovered*.
 430, sec. 8, line 3, for *corded* read *ceived*.
 456, chap. 230, in the title, for *manufacturers* read *ma-*
nufactures.

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